

1 COOPERATIVE CONSERVATION LISTENING SESSION

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7 SPOKANE, WASHINGTON

8 LISTENING SESSION

9 August 9, 2006

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12 BE IT REMEMBERED THAT, pursuant to the Washington Rules of  
13 Civil Procedure, the Cooperative Conservation Listening  
14 Session was taken before Tia B. Reidt, #2798, a Certified  
15 Shorthand Reporter, and a Notary Public for the State of  
16 Washington, on August 9, 2006, commencing at the hour of  
17 10:00 a.m., the listening session being reported at Spokane  
18 Convention Center, INB Performing Arts Center, 334 West  
19 Spokane Falls Boulevard, Spokane, Washington.

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1 APPEARANCES

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3 D.J. CASE & ASSOCIATES

4 BY: DAVID CASE

5 317 East Jefferson Boulevard

6 Mishawka, IN 46545

7 (574) 258-0100

8 (574) 258-0189 Fax

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10 ALSO PRESENT:

11

12 DIRK KEMPTHORNE,

13 Secretary of the US Department of the Interior

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15 DALE HALL,

16 Director of US Fish & Wildlife

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18 STEPHEN JOHNSON,

19 Administrator of the US Environmental Protection Agency

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21 RON KREIZENBECK,

22 Acting EPA Regional Administrator, Seattle

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24 MICHAEL BOGERT,

25 Counselor to the Secretary, US Department of the Interior

1 APPEARANCES CONTINUED

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3 KEITH PHILLIPS,

4 Washington State Governor's Office

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6 TODD MEILKE,

7 Spokane County Commissioner

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5 MR. CASE: Welcome. My name is Dave Case, and  
6 I'd like to -- I'm the moderator for the session today, and  
7 I'd like to welcome you to the first of at least 24  
8 listening sessions on cooperative conservation that will be  
9 going on throughout the country over the next couple of  
10 months.

11 I'm joined on the podium by Mr. Dirk  
12 Kempthorne, secretary for the US Department of the  
13 Interior; Stephen Johnson, administrator of the US  
14 Environmental Protection Agency; Dale Hall, director for  
15 the US Fish and Wildlife Service; Ron Kreizenbeck, acting  
16 regional administrator for the Environmental Protection  
17 Agency in Seattle; Keith Philips from the governor's  
18 office, the state of Washington; and Todd Mielke, Spokane  
19 County commissioner.

20                   Also on the podium with me are Tia Reidt,  
21   who is the court reporter you see sitting over here, and  
22   we'll talk about her more in just a second. We'll just  
23   mention you, nothing bad. And Angela Riggs and Reena Clark  
24   are our sign language interpreters.

25 I'm honored to introduce Bethany Hudson,

1     who's going to sing the national anthem.

2                     [Whereupon, Bethany Hudson sang the national  
3     anthem.]

4                     [Audience applause.]

5                     MR. CASE: Thank you, Bethany. Bethany is from  
6     the Spokane Regional Convention and Visitors Bureau here in  
7     town.

8                     I'd like to start by giving just a brief  
9     overview of the process that we're going to follow today.  
10    But before we do that, you see two groups in front of you  
11    that are worthy of special introduction. They are here to  
12    represent future conservationists. A lot of us in the room  
13    are older than they are, and they represent the future.

14                    The first group is the Medical Lake of  
15    Washington Girl Scout troop, on the left. The second group  
16    is from the Spokane area, Discovery School here in Spokane.  
17    They actually are going to be recognized soon in

18    Washington, DC for a Take Pride in America Award for work  
19    that they did on the Turnbull National Wildlife Refuge near  
20    here, riparian restoration, development of a bluebird  
21    nesting trail, and a number of other things. So we wanted  
22    to thank them for taking the time to be with us, and we  
23    look forward to your future work in conservation. Thank  
24    you.

1                   MR. CASE: As I mentioned, there are a lot of  
2 people in the room, and the main reason we're here is to  
3 listen, so I'd like to go over a little bit of the process,  
4 a little bit of the agenda that we'll go through.

5                   First we're going to make some  
6 introductions of a few more people that are here. We'll  
7 have some comments, some brief comments from some of the  
8 folks at the podium, up here at the podium, and then we're  
9 going to move right into the listening session.

10                  As you all came in, you should have  
11 received a card that has some information on it as well as  
12 a number. If you didn't get one of those, make sure that  
13 you raise your hand or step outside and grab one of those  
14 cards.

15                  What we're going to do is ask that, when we get  
16 to that part of the session, is ask people just to come up  
17 in the order of the numbers. We designed the process so  
18 that we could listen to as many people as possible but give  
19 anyone a fair chance to try and speak. So we ask you to  
20 come up to the microphone. There are microphones here.  
21 And if you could just state your name, your city, state, if  
22 you represent an organization, who that is, and then  
23 specifically the area that you want to address, the topic  
24 that you want to address.

25                  Unfortunately, we don't have time for

1 everyone to take a lot of time, so we're going to ask you  
2 if you could take just a couple of minutes in comments at  
3 the microphone. If you don't want to come up to the  
4 microphone or you can't get everything in just a couple  
5 of minutes, then on that card there's an e-mail address or  
6 a website address, there's a fax number and there's a  
7 mailing address. So if you want to provide additional  
8 comments or don't want to make comments here today, we sure  
9 encourage you to make comments in those other ways.

10 All the comments are weighted equally  
11 whether you actually speak here today or whether you send  
12 them in via fax or e-mail or some other technique.

13 My responsibility as facilitator is  
14 two-fold. One is to keep everything moving along quickly  
15 so that everyone gets a chance to talk and we don't stay  
16 here all night, and second is to make sure that we keep on  
17 topic. It's not often that you'll get a chance to come and  
18 speak before a group like this that is here today, so it's  
19 a neat opportunity. And there's lots of things we all  
20 would like to say, but we just ask that you try and stay  
21 with the topic of cooperative conservation, and  
22 specifically those things that are on the list that was  
23 passed out when you came in.

24 I do apologize in advance. As people come

25 up, if people are going to want more than two minutes or

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1 so, I'm going to have to ask you to try to hurry it along,  
2 so I apologize in advance. I don't do that in any way to  
3 try and be rude, but just to make sure that everyone gets a  
4 chance to speak. And we do ask you to speak from the  
5 microphone. We do have a court reporter here so that  
6 everything that is said will be captured and we'll have a  
7 record of that so we won't miss any comments. But we want  
8 to make sure that she can, one, see you, so that's why we  
9 ask you to come up front, and second, so that everybody in  
10 the audience as well as Tia can hear.

11 A few introductions of other people that  
12 are here. One of the nice things and one of the challenges  
13 about cooperative conservation is that it involves lots of  
14 people, so I want to take just a minute and recognize a few  
15 people who are here today, and if you could raise your hand  
16 as I mention your name.

17 Spokane Mayor Dennis Hession is here; Tony  
18 Delgado from the -- Steven's County commissioner; Merrill  
19 Ott, Steven's County commissioner; Deb Louie, the Colville  
20 tribes council member; Doug Seymour from the Colville  
21 tribes; Sheila Collins, the governor's Eastern Washington  
22 director; Judy Olsen, Senator Murray's office; Mike Poulsen  
23 from Congresswoman McMorris's office; Bob Morton, state  
24 senator from District 7.

25 I didn't get a chance to meet everybody, so





1 I'm hoping I'm looking in the right direction.

2 Joel Kretz, state representative from the  
3 7th district; Norman Jean Lovie, council member for the  
4 Coeur d' Alene tribe; Norman Jean Lovie, thank you; Gerald  
5 Nicodemes from the Spokane tribal council; Phil Harris,  
6 Spokane County commissioner; Francis Si John from the Coeur  
7 d' Alene tribe; and Sam Penny from the Nez Perce tribe.

8 Great. I'm sure I've left a number of  
9 important people off. Obviously I didn't read everybody's  
10 name here and you're all-important, but my apologies. If  
11 you're on the list and I skipped you, my sincere apologies.

12 Next I would like to introduce Secretary of  
13 the Interior, Dirk Kempthorne, who will come to the podium.

14 MR. KEMPTHORNE: Dave, thank you very much.  
15 Mr. Mayor, thank you. It's a delight to be here in  
16 Spokane, Washington. And I'm going to see if you can  
17 relate to this. I was the former mayor of Boise, and I was  
18 working there late one night and one of the phones started  
19 ringing so I answered it. And it was a lady who had a  
20 problem. Anyway, she went into quite a bit of detail, and  
21 I didn't know the answers to what she was asking. Finally  
22 in exasperation, she said, "Who in the world am I speaking  
23 to?" I said, "Well, ma'am, this is the mayor." She said,  
24 "I don't want the mayor. I want someone lower." And I  
25 said, "Ma'am, there is no one lower."

1                   I just felt this place needed a little fun  
2 here to start this off.

3                   May I also say, I want to affirm that I am  
4 happy to be in Spokane, Washington. I told these children  
5 earlier that when I was their age, I lived in Spokane. My  
6 childhood was here. This is a very special place. My  
7 brothers Jim and Mark graduated from Lewis and Clark High  
8 School, and we just have tremendous memories here. We come  
9 back here quite often -- and of course, just across the  
10 state line from my beloved state of Idaho. It was  
11 wonderful.

12                  And Bill Flora [phonetic] -- I think I saw  
13 Bill -- when we were at the University of Idaho, that's  
14 when the World Expo came to Spokane, and I remember coming  
15 up here as a student. I don't know if you came up here and  
16 checked it out, but it was -- it's great. All the good  
17 things that continue to happen in Spokane.

18                  We are here -- when I say "we," the  
19 administrator of the Environment Protection Agency, Steve  
20 Johnson, myself, others, at the request of and on behalf of  
21 the President of the United States. He asked us to go  
22 across this magnificent nation and to listen to the  
23 citizens of America on the topic of cooperative  
24 conservation, something he believes in very deeply.

25                  Also, I will tell you that the secretaries

1 of agriculture and commerce and the director of the Council  
2 on Environmental Quality are also a part of this. So with 24  
3 sessions we've divided up, we were fortunate to be the  
4 lead-off hitters in a beautiful city in a great state.

5 We have many challenges at the Department  
6 of the Interior. We manage one-fifth of the land in the  
7 United States, so one out of five acres is under our  
8 jurisdiction. The land [inaudible] managed to produce  
9 one-third of our domestic energy. That's a key part of our  
10 responsibility. We provide water to 31 million to -- to 31  
11 million Americans. We manage relations with 561 Indian  
12 tribes in Indian Country. We help protect citizens from  
13 forest fires and natural hazards. We serve some 470  
14 million visitors at national parks and wildlife refuges and  
15 other public lands.

16 Fortunately we have many partners at the  
17 state and the local level and the tribal level who care  
18 deeply about the environment and the land on which we all  
19 live. Without the help of these citizen stewards, we could  
20 not possibly achieve our conservation goals.

21 I don't believe Washington, DC has the  
22 answers, and neither does the President. We believe that  
23 people in the state of Washington, for example, in the  
24 communities, in the counties across America, provide  
25 valuable insight to problems and often can solve problems

1 more quickly than the federal government, to bring a  
2 pragmatism to it.

3                   You're proving this right here in  
4 Washington with your collaborative efforts on the Puget  
5 Sound Partnership, which I visited about three weeks ago.  
6 Very impressive program. I know that Governor Gregoire and  
7 Congressman Norm Dicks are very involved in that particular  
8 project.

9                   President Bush understands the importance  
10 of working closely with local partners. He said, and I  
11 quote, "We believe cooperative conservation is the best way  
12 to protect the environment. This means we must focus on  
13 the needs of states and respect the unique knowledge of  
14 local authorities and welcome the help of private groups  
15 and volunteers."

16                   The President also said that "Through  
17 cooperative conservation, we're moving away from the old  
18 environmental debates that pit one group against another  
19 and towards a system that brings citizens of every level of  
20 government together to get results," unquote.

21                   Last year he held the first ever White  
22 House Conference on Cooperative Conservation. Some 1,300  
23 people gathered. And really, this is an outgrowth of that,  
24 where they said "We think it would be very important if you  
25 could find the mechanisms, take the time to go out and to

1 ask the American people for their thoughts. These  
2 partnerships among landowners, communities, the private  
3 sector, tribes, and counties, states, hold the nation's  
4 greatest promise for achieving environment goals, reducing  
5 conflict and leverage, conservation resources.

6                   During the next few months, we'll build on  
7 the momentum of last year's conference and work to strengthen  
8 these alliances. We'll hold those 24 sessions across the  
9 country to give citizens every opportunity to talk about  
10 cooperative conservation. Citizen stewards will be able to  
11 tell us what works, just as importantly, to tell us what  
12 doesn't work in their opinion.

13                   The meetings will focus on issues and  
14 programs and policies mentioned frequently at the  
15 conference, topics such as: How can the federal government  
16 enhance wildlife habitat, species protection, and other  
17 conservation applicants through regulatory voluntary  
18 conservation programs?

19                   How can the federal government enhance  
20 cooperation among federal agencies, with states and the  
21 tribes and local communities in the application of  
22 environmental protection in conservation laws? How can the  
23 federal government work with states and tribes and other  
24 public and private partners to improve science used in  
25 environmental protection in conservation? How can the

1 federal government work cooperatively with businesses and  
2 landowners to protect the environment and promote  
3 conservation? How can the federal government better  
4 respect the interests of people with ownership in land and  
5 water and other natural resources?

6                   Hearing from you will tell us whether the  
7 Fish and Wildlife Service -- and Dale Hall, a tremendous  
8 director is here with us, and I appreciate that greatly. But  
9 Fish and Wildlife Service Landowner Incentive Program. Is  
10 it as effective as possible in conserving wildlife habitat  
11 on private lands?

12                   Hearing from you will tell us whether the  
13 Endangered Species Act is as effective as it can be in  
14 protecting species. Are we doing a good job on the  
15 recovery of species or does it appear that we're simply  
16 intent on listing species? Hearing from you will tell us  
17 whether we can restore even more wildlife habitat than we  
18 have through the Partners for Fish and Wildlife Program.  
19 We look forward to hearing your thoughts, your suggestions.

20                   You saw that Tia is over here, and she's  
21 taking down every word that is said. Dave laid out a very  
22 good process. In those couple of minutes that you'll have  
23 an opportunity to go to the microphone we know you  
24 certainly won't be able to perhaps give all the details,  
25 but you will submit that, we ask, in writing. But you can

1 identify those key topics, place them on our radar screen  
2 so that when Steve and I sit down at the end of this  
3 process with the other members of the cabinet, and  
4 ultimately with the President, and go through this, you  
5 will have said things that cause us to say "Go back, check  
6 the record and see what did they" -- "what other details  
7 did they give us."

8 I want to tell you also that reminds me,  
9 Mr. Mayor, of my mayoral days, meetings such as this, and  
10 on one occasion the room was filled. It was one of those  
11 tough issues. A lot of placards that said "We love our  
12 mayor." At the end of the night, the decision didn't go  
13 the way that they thought it would, and boy, the room was  
14 empty when I went home, but all these placards were all  
15 torn up all over the floor. But I will tell you this:  
16 While they didn't agree with the decision, they did agree  
17 with the process. Many of them did take the time to wait  
18 and to tell me afterwards "we appreciate how this was  
19 conducted." We're not always going to agree, ladies and  
20 gentlemen. We can't.

21 One of the members of your good press was  
22 outside earlier today, asked us how in the world do you  
23 even start a process like this? Because you're going to  
24 hear from people of all different thoughts, totally  
25 different ideas on the same issue. How are you going to



1    resolve that?  You resolve it by talking together, by  
2    hearing your ideas, by leaving the rhetoric outside.  We  
3    may not all agree at the end of the day, but by golly,  
4    we're going to put in the effort to come out and listen to  
5    America and do the best we can on your behalf as fellow  
6    citizens.

7                               Thank you for being here, and God bless  
8    you.

9                               [Audience applause.]

10                   MR. KEMPTHORNE:  Now it's my pleasure to introduce  
11   the administrator of the environmental public -- I better say  
12   that -- Environmental Protection Agency.  I've been the  
13   Secretary of the Interior about two months.  I was governor  
14   of Idaho before that.  As governor, I came to respect this  
15   man so much, all that he does in that leadership role among  
16   the great administrators like Ron in doing good things,  
17   pragmatic things, to get the job done.  Now working with  
18   him in Washington, DC my admiration of him just continues  
19   to grow.  Steve Johnson.

20                   MR. JOHNSON:  Thanks very much, Dirk.  I really  
21   appreciate that kind introduction.  It really is a pleasure  
22   to have you as part of the cabinet and part of the team.  
23   It really is an honor for, really, all of us.  Let me also  
24   add my welcome to all of you.  Mayor, I want to say thank  
25   you again for joining us today, and really for everyone.

1 It's good to see our tribal leaders here and our state  
2 government leaders here, our county commissioner. So  
3 seeing the federal, state, the tribal and local governments  
4 as well as citizens, including our youth, is really  
5 exciting.

6 It wasn't that long ago, in fact just a  
7 year or so ago, President Bush directed not only EPA but  
8 really all of our federal partners to look for ways that we  
9 could empower our local residents with the tools to solve  
10 environmental challenges. What are those ways and what are  
11 those tools that we could use to empower residents? And  
12 that's essentially why we're here today and really kicking  
13 off these listening sessions.

14 I look out across the audience, and I see  
15 company representatives; I see communities; I see  
16 individuals. I really see partners at all levels of the  
17 government. And I think the reason why you're here is that  
18 we all realize that each of us have an important role to  
19 play in protecting our shared environment. As I said a  
20 little earlier during our brief press conference,  
21 environmental responsibility is everyone's responsibility.

22 And so I'm pleased to be here to celebrate  
23 the stewardship of eastern Washington residents and the  
24 environmental results that you've delivered for your  
25 communities. And today I do look forward to hearing from

1     you how EPA can work with you and others in the Pacific  
2     Northwest to keep this momentum of collaboration in the  
3     environmental progress going.

4                     Collaboration is one of EPA's core  
5     principles for meeting President Bush's direction to me and  
6     EPA. His direction was "I want you to accelerate the pace  
7     of environmental protection while maintaining our country's  
8     economic competitiveness."

9                     And thankfully, right here in the Pacific  
10    Northwest this ethic of collaboration is vibrant and is  
11    actively practiced. And as I look from the coast land of  
12    the Pacific Ocean to the base of the Rocky Mountains, the  
13    EPA is working, really, with a host of our federal, tribal,  
14    state, local and community leaders to address the  
15    environmental challenges of Washington's vital water laws.

16                    It mentions Puget Sound, Columbia River,  
17    and of course much closer to home right here is the Spokane  
18    River and dealing with issues such as no overload of  
19    phosphorus pollution.

20                    One of the things we all realize is that  
21    all of these critical water resources not only transport  
22    the life blood of this region's environmental health, they  
23    are the economic backbone on which Washington families  
24    depend. And as I said, environmental responsibility is  
25    everyone's responsibility. And by empowering local

1 residents to solve local environmental challenges,  
2 President Bush is equipping America's eager army of citizen  
3 conservationists with the essential tools to protect our  
4 nation's environment.

5 I look forward to hearing about the  
6 progress that has been made to protect the lives and the  
7 livelihoods of Washington State residents. We welcome your  
8 thoughts on how we've done well and how we can do better  
9 and how we can keep this momentum going.

10 Thank you so much for taking time out of  
11 your busy schedules to be with us. We're here to listen  
12 and we look forward to hearing from you. Thanks so much.

13 [Audience applause.]

14 MR. CASE: Thank you, Secretary Kempthorne and  
15 Administrator Johnson.

16 We have two brief presentations that --  
17 before we get into the public comments section. The  
18 presentations really capture the spirit and kind of the  
19 practical application of cooperative conservation. First,  
20 Keith Phillips from the office of the governor of the state  
21 of Washington. Keith?

22 MR. PHILLIPS: Well, good morning, Secretary  
23 Kempthorne and Administrator Johnson and members of our  
24 federal administration, and welcome to all of you.

25 I'm Keith Philips. I'm staff to Governor

1     Gregoire, governor of Washington, and I'm here today on her  
2     behalf to welcome you to our Washington. Thank you for  
3     coming here for our listening session. And I was requested  
4     to make a few opening remarks about our recent Columbia  
5     River Water Management Program, sort of as a case example  
6     in collaboration.

7                     Now, I think your premise here today is  
8     very important. We applaud your commitment to solving  
9     national resource problems through collaboration and  
10    partnership, and the Governor believes there's a lot we can  
11    accomplish by working together and a lot more we can  
12    accomplish in the approach. In fact, she refers to it as  
13    doing things the Washington way, as opposed to litigation  
14    and other alternatives that we don't prefer. And I think  
15    the Columbia River example is a good one to look at.

16                    So in February of this year, Governor  
17    Gregoire, joined by a bipartisan group of legislative  
18    leaders- and I see some of them are here, one of the  
19    principals behind this program- signed into law our new  
20    state Columbia River Water Management Program.

21                    Now, the program is focused on enhancing  
22    water supplies out of the Columbia River through water  
23    storage and water conservation projects, and it also  
24    rewards voluntary agreements between water users in the  
25    states by providing them with new water rights. So a

1 couple of important empowerment tools to make progress with  
2 water.

3                   Now, the act was put into place contingent  
4 on funding, so the governor proposed and the legislature  
5 dedicated \$200 million in new state funding to make the  
6 program go. That's a significant investment. Why do we do  
  
7 that? That's money that's on the table now. Well, you  
8 take a step back, just like many parts of the west,  
9 competition for water led to gridlock on the Columbia  
10 River. Since 1980, any water users wanting water out of  
11 the river were subject to total loss of supply in low water  
12 years.

13                   Since 1990 we've been, in essence, in a  
14 moratorium of new water rights. So we had cities unable to  
15 supply new growth or connect new homes. We had existing  
16 agricultural users who are using groundwater supplies that  
17 are diminishing. We have businesses that can't expand and  
18 locate because of the inadequate water supply. We have  
19 fish and fisheries at risk both to -- due to inadequate  
20 stream flows and water quality problems. And we have a  
21 hydropower system that uses this water as fuel that's under  
22 constant pressure to sort of meet the low during crunch  
23 times.

24                   So there's no doubt that water is key to  
25 both the economic and environmental health of the state,

1 and in particular in eastern Washington, and the biggest  
2 body of water is the Columbia River. So in 2001 we said,  
3 "We've been in gridlock long enough. Let's take another  
4 run at this and see if there's something we can do." We  
5 were able to reach agreements with the Columbia Basin  
6 Project irrigation districts, with the confederated  
7 Colville tribes, with the US Bureau of Reclamation. And  
8 all of those agreements were contingent on authorization  
9 and funding by the state program. It took us five years of  
10 continuous effort to get the agreements, ultimately, to  
11 legislation.

12 Just a couple points about what the new  
13 program does. First, we now have a dedicated funding  
14 account that money has been put into. Two-thirds of that  
15 money is committed to new water storage from the Columbia  
16 and eastern Washington, and one-third of the money is set  
17 aside for other water projects. For any new water that's  
18 stored in the program, two-thirds of that water is  
19 committed by statute to out-of-stream use, agricultural  
20 business, growth uses, and one-third of that water is  
21 dedicated permanently to improving stream flows in the main  
22 stem during the critical summer period. So here you'll  
23 hear this two-thirds, one-third, and that's how it works.

24 The program also says, you know, the State  
25 and water users should be able to get together. And if

1   they can come up with a good custom agreement that's  
2   outcome based, it doesn't do any harm to the river, they  
3   should be able to get water rights at the end of the day.  
4   So there's a new tool for rewarding creativity and  
5   innovation that's based on voluntary agreements between  
6   water users in the state for new water rights.

7                   The act also says: Track your information,  
8   track your science, do your forecasting, put on the ground  
9   in motion finding those storage projects and the  
10  conservation work.

11                  Stepping away from the bill, because we had  
12  agreements, there's actually a lot of progress happening  
13  out there on the ground right now. We're working with the  
14  irrigation districts who have the diminished aquifer and we  
15  hope to deliver the first new increments of water to that  
  
16  aquifer, the Odessa Aquifer, sometime next year. First  
17  step.

18                  We have contributed to the next step for  
19  the tribal and federal pump exchange project in Walla  
20  Walla. Working with the Bureau, we're looking at modifying  
21  an existing dam to add additional storage to an existing  
22  reservoir so that irrigation supply can be more reliable  
23  and summer stream flows can improve. Those are projects on  
24  the books ready to go.

25                  Also working the Bureau, we have just



1 completed the preliminary review of 11 new storage sites in  
2 eastern Washington and are now looking to go into  
3 feasibility. We've got that process in place. We're  
4 working with the Colville tribes on the needed fisheries,  
5 power, and other mitigation for a potential drought down in  
6 Lake Roosevelt to improve stream flows down river.

7                   We have a draft agreement with the Columbia  
8 Snake River irrigators where they will get new water rights  
9 in exchange for voluntary conservation out for public  
10 review now. It's very important in bringing folks  
11 together, and we're working with local conservation  
12 districts, with money now, to find and fund additional  
13 unfunded conservation projects. So it's going out quickly,  
14 it's getting on the ground, and we're starting to make a  
15 difference.

16                   Let me move away from the program just for  
17 a second and talk about some of the more generic factors  
18 that contributed to success; maybe to mention things that  
19 made it work and hoping the federal family will be more  
20 interested in that side of it. You know, at the top of the  
21 list I've got to put relationships. I've learned from  
22 personal experience, you don't go out say, "Hi, I'm here  
23 from the government and I'm here to help you" because, for  
24 water in particular, they look at you and they say "All  
25 right. Which is it? Are you from the government or are



1 we're going break out, we need an independent monitor," so  
2 we secured top-notch independent science and topnotch  
3 independent economic analysis. We didn't let one trump the  
4 other. We said they were both equally important, and we  
5 committed in advance to taking the best information we had,  
6 acting on it, making those things cornerstones of the  
7 program. So we just -- we bought the solution before we  
8 got the answers, but the issue wasn't deliberated in  
9 science. It was moving into the next step.

10                   When we went out there, we -- I'd say that  
11 we approached our goal with basic respect. If you don't  
12 value local knowledge, you'll never understand what people  
13 really care about and you'll never put together a program  
14 that bears interest together.

15                   We didn't challenge anybody's claim to  
16 ownership. We simply said, "All right. If you have that  
17 claim to ownership around that interest, we're going to  
18 work with you and, when we put our agreement together,  
19 acknowledge that you have that claim, that ownership  
20 interest in the water or the land."

21                   And this was important. And we didn't do  
22 this in foresight, but in hindsight it was very important.  
23 We didn't try to come up with a single overarching  
24 consensus based on the least common denominator. We put  
25 together a bunch of independent separate coalitions of

1 people who were ready to act if the conditions were right  
2 for them. We think that was important.

3                   And the last thing we did, which I think is  
4 a good role for government, is we said, "Here's a possible  
5 future. Are you interested? We can't go there. We can't  
6 go here. We don't -- we can't get there, but are you  
7 interested in this?"

8                   I call this selling hope. It's kind of an  
9 important role for government. There's something out  
10 there, but is it worth doing? Or are you can think of it  
11 as the stone soup metaphor. Here is a pot; here's the  
12 caldron. Do any of you have anything to contribute to this  
13 soup to make it worthwhile? And that's the approach we  
14 took in building the coalition.

15                   Now, when I say "we," I have to be very  
16 clear. I'm not talking about the state -- or just the  
17 state. There was no mastermind or plan. This was a growth  
18 and bump your head, learn and feel and change, adjust  
19 quickly. There were a lot of folks involved from multiple  
20 levels.

21                   And in particular, I want to thank the  
22 federal agencies. When everyone was saying, "are you  
23 crazy" to propose something on the Columbia, the federal  
24 agencies stood with us with the stakeholders and the  
25 public, and a lot of the progress on the ground is because

1 they believe that the breakout strategy might work, and  
2 your agencies [inaudible] the information and on-the-ground  
3 work.

4 And of course now we need your help to get  
5 to the next step. When we put our 200 million on the  
6 table, we'd love to get some federal study authorization  
7 for those new storage projects, some federal money to match  
8 up to what the State is putting on the table.

9 And I think beyond that, as you know, these  
10 new projects take awhile to survive. We're hoping that the  
11 creativity and trust that's been built at the management  
12 level translates into the implementation in the frontline  
13 bolt of our agency. But that's a critical phase.

14 And then longer term, I think we need your  
15 help tapping into the potential for water up in the  
16 Canadian reservoirs. There's water up there that we think  
17 with the right agreement, with the right investment, a  
18 significant enhancement of water supply, a significant  
19 increased power production. Those dams up there were  
20 pumped for six turbines and they only have four, so I think  
21 there's an opportunity to -- for the federal government to  
22 look into.

23 And I also think we'll see benefits not  
24 just to helping your constituents find a way forward but  
25 also benefits at the federal level. We think this will be

1 a more acceptable way to get fish restoration credits with  
2 this kind of approach. These are actions that your  
3 agencies are better suited towards, and we have people  
4 coming towards you. But the governor in particular says,  
5 "When I look at the Columbia water program, I see an  
6 example of the way we can solve some other larger problems  
7 on the river or other problems in the state, because it is  
8 collaborative."

9                         State and federal partnerships aside, none  
10 of this would have happened without the support of the  
11 other governments, the community, the water users, the  
12 efficacy groups who live on, who rely on, and who value the  
13 river. They had to agree that this was something worth  
14 doing. The government rarely does things independent of  
15 people's interest and shouldn't do things independent of  
16 people's interest.

17                         And I have to tell you, not everybody got  
18 everything they wanted. Those who supported this project  
19 were criticized by their own people. But I've got to tell  
20 you that they saw a net benefit in building the center and  
21 helping make it happen.

22                         With the federal government's permission,  
23 we have a number of folks invited here today who helped  
24 make the project happen. Hopefully we'll hear from them  
25 later today, elected officials from tribal governments,

1 county governments, as well as principals from the  
2 agricultural community and the conservation community. And  
3 I just want to take this opportunity to sort of thank them  
4 for the support and progress that we've made today.

5 With that, thank you again for coming, and  
6 thank you for listening to our stories.

7 [Audience applause.]

8 MR. CASE: Thank you, Keith.

9 Next, our final speaker from the podium,  
10 actually, is Todd Mielke. Todd is a Spokane County  
11 commissioner. Todd?

12 MR. MIELKE: Well, Secretary Kempthorne,  
13 Administrator Jonathan, Director Hall and  
14 Administrator Kreizenbeck, first on behalf of the citizens  
15 of this region, I want to welcome you to the Spokane area.  
16 We are appreciative of the fact that you're putting a face  
17 to our federal government and are taking the time to reach  
18 out to communities across the nation to hear our concerns  
19 firsthand, so thank you.

20 Secretary Kempthorne, I know you enjoy a  
21 good motorcycle ride. It's too bad you don't have extra  
22 time on your calendar today. It's a great day for doing  
23 it. If you come back, let me know. I will come meet you.

24 Spokane is a community of independent  
25 people. We work hard, we play hard, and we care deeply

1 about our families and friends and we're interested in the  
2 legacy that we will leave for this region. We look for  
3 common-sense solutions to complex problems, and we are  
4 generally fiscal conservatives who recognize the value of  
5 every dollar earned. We tend to be skeptical of proposed  
6 solutions that are unsubstantiated, have high levels of  
7 uncertainty in their outcome, and put the citizens at  
8 tremendous financial risk.

9                   So let's talk about one significant  
10 environmental issue facing this region. It's a challenge  
11 that's been years in the making, and for the last few years  
12 we've had broad-based coalition making progress on the  
13 issue.

14                   Let me take a minute just to give you a  
15 brief background. As a region and from an environmental  
16 perspective, we kind of had a perfect storm developing for  
17 some time. First, the Spokane River was listed as impaired  
18 sometime ago with regard to the reduced levels of dissolved  
19 oxygen they had during certain times of the year. They're  
20 dropping below acceptable levels, and we identified  
21 phosphorus as the leading cause of those decreased CO  
22 levels.

23                   We recognize -- and I think, we all  
24 recognize that once you're listed, you've got a job to do  
25 and that's to come up with a cleanup plan. At the same



1 time that that was happening, though, we as a region faced  
2 the prospect of running out of wastewater capacity by  
3 approximately 2011. And when I say "we, the region," I  
4 mean the communities of Hayden, Coeur d' Alene, Post Falls,  
5 Liberty Lake, Spokane Valley, the City of Spokane, Airway  
6 Heights and Spokane County all at once were in the prospect  
7 of losing that wastewater capacity at the same amount of  
8 time.

9                   We all recognize that it typically takes  
10 about five years to bring new technology in the form of  
11 upgrades to new facilities, and that's from the time your  
12 permit's in hand. It doesn't take a math genius to figure  
13 out we're in the middle of 2006, we don't have our permits  
14 in hand, and that time is very quickly ticking by.

15                   The third challenge -- if two isn't enough,  
16 the third challenge is the dams along on the Spokane River  
17 are up for relicensure this year. And depending on the  
18 outcome, flows could be dramatically adjusted, and again,  
19 that goes into impacting the calculations that we make with  
20 regard to the cleanup of the river and solutions for  
21 wastewater.

22                   It's quite simple, yet a complex engagement  
23 in three-dimensional chess. But to further compound the  
24 complexity of the situation, we recognize that a truly  
25 effective solution is going to be watershed based. And in

1    this case, the watershed that we're trying to protect  
2    involves Idaho, a state that has adopted the federal clean  
3    water guidelines and has its -- the Department of  
4    Environmental Qquality is the leader organization in the EPA  
5    support.

6                   We have the state of Washington that has  
7    set its own standards for clean water, where the Department  
8    of Ecology is the lead agency and -- I reversed it, I know,  
9    I'm sorry. And EPA is the second in Washington.

10                  And then we have the Spokane tribe Indians  
11    as well as the sovereign nation all covering that same  
12    water body. And lest we forget that this whole region is  
13    supplied by a sole-source aquifer that runs almost under  
14    the entire stretch of the river and consistently flows in  
15    and out at several points.

16                  So prior to 2005, we were stuck. We really  
17    had no game plan for how to solve these three intermingled  
18    issues. And there are two distinct sides to the debate.  
19    The Washington Department of Ecology was pursuing a TMDL  
20    and the Coalition of Discharges from Watershed were  
21    pursuing a Use Attainability Analysis, or a UAA. And both  
22    threatened the information of the other. They questioned  
23    the information of the other. And it appeared the whole  
24    issue was headed for a lengthy legal debate that was in no  
25    one's best interest.

1                   So in December of 2004, we decided to go  
2 back to the table one more time and try to give it another  
3 shot. And after a while, there was really nothing to loose  
4 so we might as well. I'm going to spend more of my time  
5 talking about the process today as opposed to the problems.  
6 We all have briefing books that are quite lengthy at this  
7 point after two years to tell us about the problem.

8                   But what we found in this nearly two years  
9 of collaboration is there were some elements that rose to  
10 the top that were extremely essential for a successful  
11 effort in the end. First and foremost, everyone needed to  
12 clearly define the objectives that were to be accomplished.  
13 And in our case, there were five.

14                  First, we were going to look for the  
15 creation of a new facility in the region, recognizing  
16 growth over the next 20 years not only for the new facility  
17 but for the existing facilities as well.

18                  No. 2, implementation schedules that  
19 recognize what typically is a 20-year investment, and this  
20 one is absolutely critical. Typically when we go out as  
21 local governments and we bond these major capital  
22 improvement projects, we're looking at 15- and 20-year  
23 intervals in financing them, and the worst thing that could  
24 possibly happen is for us to get eight years into it and  
25 find out that we weren't going to reach our objectives and

1 we had to abandon that technology and look for a new one.  
2 Meanwhile, our rate payers and our taxpayers not only had  
3 to pay off the first investment but somehow had to come up  
4 with the money for a second investment as well. And it  
5 just wasn't feasible.

6                   The third item was that the plan would  
7 include not just point sources, not just the treatment  
8 facilities, but it would also include nonpoint service  
9 programs, including reuse and conservation strategies  
10 throughout the region.

11                   No. 4, the plan had to be technologically  
12 and financially feasible, and technology was very difficult  
13 because, again, the issue was how do you share the risks  
14 and the outcomes, and I'll come back to that one.

15                   And finally No. 5 is that over time the  
16 parties have collaborated to determine whether the targets  
17 were appropriate, and that was a difficult one because we  
18 had a number of people that wanted to go back and address  
19 that one right away. They wanted to know if we're going to  
20 spend any public money, shouldn't we note that targets are  
21 feasible in the first place. And instead, we decided that  
22 we would proceed, we could take our best shot and evaluate  
23 as we went, so that was how we clearly identified the  
24 objectives.

25                   The second thing that we needed to do was

1 we needed to make the collaboration inclusive. And in this  
2 case, not only was it the list of communities that I listed  
3 previously on the Idaho side of the border but the  
4 Washington side of the border as well. We also had private  
5 industry in the name of Kaiser Aluminum and Inland Empire  
6 Paper. The tribes were involved in that dialogue. We had  
7 the Landis Council and the Sierra Club as well as the  
8 Center for Justice, from an environmental perspective.

9                   We have had the regulators, not only EPA,  
10 sitting in during almost all of those meetings as well as  
11 Idaho Department of Environmental Quality and the  
12 Department of Ecology in Washington. So I think it was  
13 truly lucid. Everybody sat around the table, everybody  
14 shared their comments. For the most part, there really  
15 wasn't, you know, a front table and an audience. It was a  
16 very large table. And we got together and we talked. And  
17 anybody -- after a while, anybody could raise their hand.  
18 It wasn't really -- made a difference whether they were  
19 sitting at the table, everybody had a fair shot of input.

20                   The third item of the key elements was to  
21 learn to trust each other. And I've got to tell you, this  
22 was probably the most difficult one and it was the most  
23 interesting one to watch over time. We clearly had people  
24 with personality conflicts on both sides. We had people  
25 who clearly had personal biases based on their background,

1 based on their training, based on their personal  
2 observations. But at some point, we needed to learn to  
3 trust each other that we were truly trying to reach the  
4 same objectives.

5                   In that trust, one of the best things that  
6 I think that we did was we decided, and this kind of ties  
7 into the fourth element, was we had to agree on a science.  
8 And when we first were ready to pull the plug and go our  
9 separate ways, I found an interesting observation was that  
10 both sides had their own science that they based their  
11 observation on. And why is that so? Why does that need to  
12 be? And in that case, we decided we should be able to get  
13 together, truly bring our sciences together, agree on the  
14 basis and the foundations and build a plan from there.

15                   And so that's where we go back to the trust  
16 issue. We set a number of technical advisory groups to go  
17 through - I should say advisory groups, one being technical,  
18 one being on reuse and a number of others - and what we did  
19 is we made a regulator and a licensee co-chairs of every  
20 committee, and they had to work it out. They had objectives  
21 that every, like I say, subcommittee had to address and  
22 bring back to the full group. The first two or three  
23 reports back weren't pretty. They just weren't. They came  
24 back and they said, "Well, here is what we decided from my  
25 perspective," and then the other co-chair would get up and

1 say, "Well, I had a little bit of a different take on it."  
2 And needless to say, we weren't coalescing very well at  
3 all. But once you gave them the same objective to reach,  
4 there was a very interesting dynamic that took place, and I  
5 think the relationship building that took place was  
6 absolutely critical, and that is you have regulators and  
7 dischargers trying to build plans to reach the same  
8 objectives.

9                   From a regulator perspective, there's  
10 tremendous talent within these agencies, and it was  
11 interesting to hear their comments when they said -- you  
12 know, when we were actually charged with not just reading  
13 the regulation and trying to enforce it, but instead we had  
14 to build a plan that would comply with it, and they started  
15 ruling out -- you know, we've been telling people for years  
16 and years that you had to do this because that was doable  
17 and all of that. And then we started researching and we  
18 found it's real difficult to do.

19                   Likewise, the people who were in the  
20 business, the licensees that were in wastewater learned to  
21 better understand the need for the regulations, the  
22 rationale for the regulations, and why they were ultimately  
23 going to lead to a better community for this legacy that we  
24 hope to leave. So that was an interesting dynamic and I  
25 think absolutely critical as we move forward in any

1 collaborative effort.

2                   So here's what we ended up with, and I  
3 think we spent a lot of time looking at what other parts of  
4 the nation are doing and taking a look at how to be  
5 innovative. So we now have a plan that with regard to the  
6 point source is probably the most advanced and aggressive  
7 anywhere in the nation. What we have said going into this  
8 is "You find the most stringent permit issue in the United  
9 States and we'll meet it or beat it." That's how committed  
10 we are to making sure that we are on the cutting edge of  
11 technology and that we are truly going to leave a legacy  
12 and that we are going to appreciate the community that we  
13 have and everything that we appreciate about it.

14                   With regard to the other things, though,  
15 and this is where I think we depart from some of the other  
16 cases that I've looked at across the nation, is we went  
17 beyond our obligation to just deal with our technology and  
18 said "Let's take a look at the other things. Let's take a  
19 look at the nonpoint sources." And so you now have these  
20 dischargers, in primarily the form of cities and towns and  
21 counties, who have stepped up and agreed to participate and  
22 fund nonpoint sources in the area of reuse and  
23 conservation.

24                   We are looking at groundwater recharge. We  
25 are taking a look at, like I say, everything from purple-



1 pipe technology to stream bank stabilization, things like  
2 that. And we have learned -- and we also, this community,  
3 advocated for a ban on phosphorus-containing dishwasher  
4 detergent as well.

5                   We have an extremely aggressive plan to  
6 eliminate septic systems over the Spokane aquifer and move  
7 forward. And really, we think it's an extremely complex  
8 plan that we've come together on. In all, it's a  
9 significant investment on behalf of this community. When  
10 you combine our jurisdictions, and I think I'm in rough  
11 numbers - I know the City of Spokane has a tremendous  
12 investment, as does Spokane County and some of the others -  
13 but I think you're probably looking at just under a billion  
14 dollars community investment in trying do the right thing.  
15 And again, we go back to that whole issue of financial risk  
16 and understanding the significance of that.

17                   So with that, we're ready to move forward.  
18 We have a few more things that certainly we would like your  
19 assistance on. But I also want to mention things that  
20 could have made our lives a little easier in this  
21 collaborative process and help us in preparing to  
22 go through the -- help others prepare to go into this  
23 process in the future, because I don't think we're unique  
24 communities. There are communities across this nation that  
25 will be trying to comply with our regulatory standards and

1 environmental law and really try to figure out what's the  
2 best investment for their citizens.

3                   The first thing I think is that regulations  
4 need to be achievable. It does absolutely no good to have  
5 a standard that the technology simply doesn't exist to  
6 achieve. And so one of the things that we look at is most  
7 communities, because of that financial trust that is  
8 expected from our citizens, are very reluctant to go with  
9 leading edge technology. They don't want to be a prototype  
10 subject to failure and have to go back to their citizens  
11 and say "We need to try again."

12                   So with that, like I say, it's important  
13 that those regulations be achievable and that when we do  
14 decide to go on the cutting edge and to really take an  
15 advanced step that we share the risk. And the risk is  
16 shared in the outcome, but the accountability is in that  
17 you took the actions you were supposed to take. And I  
18 think that's important because no one is going to assume an  
19 outcome that they can't guarantee they can produce.

20                   The other thing with regard to the  
21 regulations being achievable, one of the things is  
22 consistency across the nation. But California has one  
23 policy where when they do their TMDLs they contract, I  
24 think it's UC Berkley, and the first thing that happens is  
25 they have a proposed TMDL plan for a cleanup. It goes to

1 the college to get in front of a peer review panel, and  
2 they determine whether it's technologically and financially  
3 feasible. If not, we send it back. There's alterations  
4 made to the plan. If so, they move forward and bless it  
5 and it goes into the implementation stage. But it's  
6 certainly one of those things that we need to make sure  
7 that these things are achievable.

8                   The second one, as I mentioned, is we need  
9 to share the risk. We need to make sure we don't create  
10 disincentives to being innovative. And that's absolutely  
11 important. We all know how fast environmental regulations  
12 change. We want to be on the leading edge typically by the  
13 time we implement. We don't want to be out of date by the  
14 time we cut the ribbon. And so if we are going to be  
15 innovative and we're going to be cutting edge, we have to  
16 share the risk.

17                   And then the last thing that I would say is  
18 that consistency counts. And that means basically when we  
19 look at how jurisdictions are treated from one region to  
20 the next, it's very important for some consistency about  
21 how we're interpreting those regulations and how we're  
22 interpreting those plans to move forward.

23                   The last thing that I would say is that as  
24 we take a look at being on the cutting edge of  
25 environmental policy and stuff that really makes a

1 difference and that truly goes a long way in leading this  
2 legacy, I think it's important that so often people get  
3 stuck in this mode of wanting to look back and have  
4 definitive proof that the outcome was achieved and it  
5 works. And lacking that definitive proof, their attitude  
6 is it's not allowed.

7                   And in this case, we have to realize that  
8 if we're going to be on the cutting edge, that means that  
9 we're going to be stepping where steps have not been made  
10 before. There's not going to be a lot of case law.  
11 There's not going to be a lot of history that we can point  
12 to and say "this is how it's done." But instead, we again  
13 have to trust each other, we have to commit to the  
14 objectives, and we have to share the risk and the process  
15 to get there. Those are the observations that I would  
16 make.

17                   We have had a tremendous opportunity. I  
18 should say that the friendships I have developed not only  
19 at the state regulatory level but at the federal regulatory  
20 level have been just absolutely immense, and we've got a  
21 long way to go. It's a 20-year plan. We didn't get to an  
22 end point. We went to a launching point. And like I say,  
23 I look forward to working with those people in the future.  
24 Thank you again for your time in your community.

25                   [Audience applause.]

1                   MR. CASE: Thanks, Todd, Keith.

2                   Any questions or comments from folks on the  
3 panel for Todd and Keith?

4                   MR. KEMPTHORNE: Thank you. Good examples.

5                   MR. CASE: With that, we're going to move on to  
6 the input session. Just to reiterate for those of you who  
7 may have come in a little bit late, you all should have  
8 received a card that has a number on it. We're going to  
9 ask you to come up to one of these two microphones.

10                  If you could, tell us your name. If your  
11 name is hard to spell, you might spell it so that we get  
12 the correct spelling in the record; the city and state that  
13 you're from; an organization if you're representing an  
14 organization. As we mentioned, the court reporter is here  
15 and will capture all of the comments.

16                  If you do not want to make comments today,  
17 we do encourage you to go to the website and to write  
18 comments electronically or to mail the comments in or fax  
19 them in, and all of that information is right there on your  
20 form that you have.

21                  Again, I'll mention that we have a lot of  
22 people here and we want to make sure everyone gets a chance  
23 to speak, so please keep your comments to one or two or  
24 three minutes at most. I apologize in advance if -- I'll  
25 keep track time-wise here. I apologize in advance if I

1 start to get antsy and ask you to hurry along, and  
2 obviously the same for making sure that we keep on the  
3 topic.

4 I do apologize also, we won't have the  
5 chance to be able to address questions to the panel up  
6 here. You can sure ask questions for the record, and those  
7 will, as Secretary Kempthorne articulated, will go forward,  
8 but we won't be able to have the give-and-take. There just  
9 isn't the time with a large group to do that.

10 I'd like to start, I have a list of seven  
11 people at the request of Secretary Kempthorne and  
12 Administrator Johnson, that we'd like to ask to -- to  
13 invite up to speak to start in front of the microphone, and  
14 then we'll move on to No. 1 and on through -- I don't know  
15 what the last card is, but -- does anybody know? We'll  
16 just wait and see, and we're going to be here until the  
17 last one comes up.

18 So the first one is Dennis Hession. Mayor?

19 And next will be Mike Peterson after that.

20 So Mike, get ready.

21 MR. HESSION: Thank you and good morning. It's  
22 certainly my pleasure to be here and participate in this  
23 event. This is exciting for us.

24 As Secretary Kempthorne mentioned, Expo '74  
25 was kind of the impetus for this area to become energized

1 about its environment and having the first world exposition  
2 specifically related to environmental issues has been just  
3 the -- kind of the stepping stone for us in this area.

4 I just wanted to comment, and I don't  
5 really have a question, but I do want to emphasize that  
6 what I see the inner pinnings of cooperative conservation  
7 is really partnership, and we had partnerships that have  
8 been discussed by Keith Philips and Todd Mielke that have  
9 truly benefited the environment and this community. But  
10 we too had an opportunity to work with the EPA on a ground  
11 cleanup in an area called Kendall Yards here, which is  
12 going to be a major economic driver development just  
13 adjacent to the Spokane River.

14 But in that partnership, we worked closely  
15 with our environmental groups, state and federal agencies.  
16 That really was kind of an example of the kinds of  
17 cooperative conservation efforts that is being promulgated  
18 here today.

19 We're very honored to have you all here  
20 today to be your first effort in this listening process. I  
21 appreciate the term "listening" because that isn't often  
22 what we in government are recognized for. And so we look  
23 forward very much to hearing what others have to say. But  
24 thank you again for being here today. We would love to be  
25 able to showcase our city and have you here listening to

1 the issues that are most important to us. Thank you very  
2 much.

3 MR. CASE: Thank you. Next up, Mike Peterson,  
4 the executive director of The Lands Council.

5 MR. PETERSON: Thank you. And I want to thank  
6 you, Secretary Kempthorne and Director Johnson.

7 It's a pleasure to be up here to talk a  
8 little bit about Spokane River. And I really appreciate  
9 Commissioner Mielke for a lot of the things he's said,  
10 because it really was an innovative process for us to come  
11 together for very diverse size and find some common ground.

12 About two years ago, The Lands Council --  
13 and we're a conservation group that works to protect and  
14 restore forests and rivers in our region. The Lands  
15 Council partnered up with the Spokane area Chamber of  
16 Commerce and came up with a nine-point plan to try and  
17 resolve these issues around cleanup of the river, and some  
18 of that plan is now manifested in our solution for a river  
19 that a Y group found.

20 But I want to talk a bit about  
21 collaboration, because it's not an easy thing to do. And  
22 for one, it's an amazing time-constraint resource. You're  
23 going to go to meeting after meeting after meeting, and so  
24 you've got to be in the commitment to work hard on showing  
25 up.



1                   Secondly, collaboration only works when all  
2   the people are in the room who have an interest, have a  
3   vested interest. If you try to exclude people, if you try  
4   to, say, exclude the Lands Council or the Sierra Club out  
5   of the river cleanup, they'd be on the outside thinking  
6   something was going on and they might be talking with the  
7   lawyers, so bring people into the process, everyone into  
8   the process. It's really important.

9                   Second, a fellow named James Surowiecki  
10   wrote a book called Wisdom of Crowds, a very interesting  
11   book. What he found was you can take a group of experts or  
12   you can take a whole wide range of citizens and the  
13   citizens would come up with better solutions because they  
14   have wider viewpoints and more diverse ideas on things. So  
15   it's not just the experts; it's the whole the public who  
16   has a right to say on these resources, so think of that  
17   importantly.

18                  Science. We talk about peer-reviewed  
19   science. And every side, though, brings out their own -- I  
20   call it selective science; I'll come out and select the  
21   scientist that supports my point of view. It might be peer  
22   reviewed. Somebody else might do the same thing. So you  
23   need this kind of panel of peer-reviewed science so that  
24   you bring in all the sides and decide what do the sciences  
25   really say about your solution.

1                   And then finally, I would just say, why  
2   does collaboration work? Well, you need a baseline. Just  
3   like if you went to a football game and every year they  
4   moved the goal post or changed the rules, that wouldn't  
5   work so good. It would be confusing. And so I'm really in  
6   favor of, you know, let's stay with our existing bedrock  
7   environmental laws, whether it's the Clean Water Act, which  
8   is what we agreed to comply with in the Spokane River. We  
9   found creative ways to get to what the Clean Water Act asks  
10   for. We talked about nonpoint source rather than just  
11   looking at the pipe. So the creative ways is what, really,  
12   the importance of collaboration is, not I think changing  
13   our environmental laws like our Endangered Species Act or  
14   Clean Water or NEPA.

15                   So that's about all I have to say. I  
16   really appreciate the opportunity, and thank you for coming  
17   out.

18                   MR. CASE: Thank you. Next is Merrill Ott of  
19   the Steven's County Commission. And after that, Steve  
20   Suagee.

21                   MR. MERRILL: Good morning, Secretary Kempthorne  
22   and gentlemen, and thank you for coming.

23                   I just returned back from the National  
24   Association of Counties convention back in Chicago and  
25   landed in Spokane yesterday to drive up to Stevens County

1 to find it on fire, and so my remarks are somewhat  
2 extemporaneous, but the fact that we had that kind of  
3 disaster happen locally leads me to conclusions that the  
4 efforts that we're taking at a federal level for  
5 cooperative conservation is going to lead to more resource  
6 protection, more stewardship for those resources we have.  
7 And in cooperation with water resources, timber resources  
8 and all of those things that are so important to the rural  
9 counties, I think we're going to see solutions in the  
10 future that we have yet to really experience, and I think  
11 it's going to be a great thing.

12                   So first of all, a couple of points I want  
13 to make out: Cooperative conservation needs to be just  
  
14 that; not coerced conservation but cooperative  
15 conservation. And I believe that leads to the very essence  
16 that most of the speakers, Mr. Phillips, Todd Mielke, have  
17 already brought up some very clear salient points, and that  
18 is the grass roots level matter.

19                   And what we have found as a small rural  
20 county is that the involvement of the county officials in  
21 various areas leads me to believe that sometimes we're  
22 stepping out of our regime. Why are we doing the things  
23 we're doing as a local county stepping into state and  
24 federal issues when we should be representing the local  
25 people, when in fact it's at the local level that our

1 economic, our environmental, and our social stabilities are  
2 based upon our involvement at all those levels. And so  
3 we've taken that task to heart.

4 I wear about three different hats. Today  
5 I'm wearing the hat from the local county commissioner, and  
6 I've also got the task of representing the National  
7 Association of Counties Public Land Steering Committee by  
8 Commissioner Ted Anderson, who couldn't be here. And I'm  
9 also trying to represent what it is we're doing at the  
10 state level with the Columbia River Management Program.

11 All of these things seem to represent those  
12 policies that cooperative conservation leads to. In a  
13 nutshell, when it works it works well. It's where it's not  
14 working that I think you will hear some people later on who  
15 have examples of what doesn't work that you need to pay  
16 attention to, listen to, because we do have problems, and a  
17 lot of it is simple compliance with the laws and policies  
18 that are already in existence.

19 So to me, it's an education and outreach  
20 issue. If we can reach the public, if we can reach our  
21 local agencies, our local federal agencies that are  
22 supposed to be implementing the federal laws that have  
23 perhaps their own imbedded agendas they're trying to do  
24 that may not be in consonance with that, we need to be  
25 looking at that and raising these issues together.

1                   One of the things we've done locally is  
2 we've taken it upon ourselves to engage our tribal  
3 neighbors in a local effort, without direction from the  
4 federal government, without direction from the state  
5 government, to initiate our own coordination, because these  
6 issues we have together as neighbors is very very important  
7 to the people that we have to deal with on a day-to-day  
8 basis.

9                   That begins to work. That's that grass  
10 roots level that rises from the bottom. It never works  
11 from the top down. Keith Philips has been very  
12 instrumental in encouraging this Columbia River Management  
13 Program to work. That was done as a result of much  
14 conflict in the past, and the conflict that has been  
15 brought to the table and presented, and we stay at the  
16 table until we can resolve those conflicts that we all  
17 have. We all have our personal interests. We all have  
18 varied interests showing up, and I appreciate Mike  
19 Peterson's comments. That's the importance of this being  
20 done at a local level.

21                   The federal involvement is very critical,  
22 but it has to be consistent. And I agree that these things  
  
23 that we perhaps don't want to see changed but there's need  
24 for reform, we mustn't be afraid to look at that. But when  
25 we do that, we have to look at what's the effects locally

1 and what are the effects regionally. One size doesn't fit  
2 all.

3 Our regional local problem may be different  
4 from that of California and Arizona and New Mexico. You  
5 have to have some flexibility there. So don't be in a rush  
6 to run to changing your opinion. But at the same point,  
7 don't be afraid to look at it, be bold about it, come out  
8 and talk to the public like you're doing, encourage your  
9 federal agencies to become involved. And I think we have  
10 some very good relationships here with our federal  
11 agencies.

12 I do know that with the Columbia River  
13 Management Program, that is a huge issue, and I think a lot  
14 of it starts out and was promulgated by, if you will, the  
15 international situation with the pollution issue with the  
16 Canadians and the ECO Plan. That, I think, was a  
17 synergistic effort. That's now taking place. It's going  
18 to help us reach a larger frame solution. It's going to be  
19 beneficial for everybody.

20 So thank you, gentlemen, for coming. I  
21 appreciate you listening, and we hope to see more of that.  
22 Thank you very much.

23 MR. CASE: Thank you.

24 Next is Steve Suagee from the Colville  
25 tribe, and then Rob Masonis, American Rivers.

1                   MR. SUAGEE: Good morning and thank you. Yeah,  
2 I'm Suagee. I'm an attorney for the Confederated Tribes of  
3 the Colville Reservation. I speak about the Columbia River  
4 piece of this and perhaps talk a little bit about how the  
5 state's Columbia water partnership may offer an opportunity  
6 to springboard into a broad collaborative effort for the  
7 Columbia River.

8                   My name, by the way, is spelled just like  
9 it sounds: S-U-A-G-E-E.

10                  The Colville tribe has a large reservation  
11 on the upper Columbia. We have significant rights in fish,  
12 water, and wildlife habitat associated with the Columbia  
13 River. We depend on salmon, including some of those from  
14 the upper basin that are the most endangered of all. We  
15 also depend on the dams and the reservoirs that block the  
16 salmon migrating up to much of our reservation. That would  
17 include Lake Roosevelt, Lake Rufus Woods above Chief Joe  
18 Dam.

19                  As result of claim settlements, we have an  
20 interest in hydropower revenues and we have serious  
21 cultural, economic, and natural resources interests in Lake  
22 Roosevelt. So for the past couple of generations, the  
23 Colville tribes has literally had to internalize a lot of  
24 the conflicts and learn how to balance the competing  
25 interests in the Columbia River. And I think that's one

1 reason why we were ready to embrace the concepts of  
2 collaboration that Keith Philips has been summarizing.

3 I think we've also learned -- I've been a  
4 tribal attorney doing water law for 20 years, and you can  
5 only do so much through the adversarial process. I may be  
6 able to thwart my adversary and prevent them from doing  
7 something that my client feels threatened by, but I can't  
8 really secure my client's long-term future through the  
9 adversarial process. The most I can do with that is to try  
10 to help orchestrate a situation where we can get into some  
11 genuine collaboration. And I'm very pleased to see the  
12 developments in the Columbia Basin get us to a point where  
13 we can really try to work hard at that.

14 I think it's only been in the last few  
15 years that things have lined up that way. I think the  
16 executive branch, the past two governors, including the  
17 current one in the state of Washington, really stepped up  
18 and worked with a lot of different interests and really  
19 provided the necessary reassurances that their interests  
20 were going to be protected in this. And certainly that was  
21 then parlayed into a legislative effort.

22 I want to thank Senator Wharton from our  
23 part of the state, who really stepped up and has played a  
24 lot of fortitude and leadership in helping a bipartisan  
25 bill become law, which really makes this water partnership



1 go.

2 I think one of the reasons this thing is  
3 going to have a great chance for success is it doesn't  
4 impose a lot of policy details on the parties. It's a  
5 broad outline. We've heard about the two-thirds out of  
6 stream, one-third staying in the stream. That's really the  
7 main policy piece of this; that and let's monitor and  
8 collect good information about what we're doing. Other  
9 than that, it provides, through this series of agreements  
10 where different interests can work things out.

11 And Keith spoke of people being ready in  
12 different stages in this process to enter into something  
13 like that. And as long as you can do that without hurting  
14 someone else, that's the way it's been developing. So the  
15 Colville tribes worked something out prior to the  
16 legislation, an agreement in principal, and we're moving  
17 forward to try and implement that right now.

18 I think what I'd like to see, and I think  
19 there's a real chance to come out of this process, is a  
20 broader, longer term, almost institutionalized regional  
21 process for addressing broader long-term Columbia River  
22 issues, and I think that has a real chance to go.

23 And I guess I wanted to conclude by just  
24 suggesting a few things that the federal government should  
25 be able to do to help facility that. I think that the

1 first thing is to provide outreach and support the flow of  
2 legitimate independent-based information, provide  
3 reassurances to the different stakeholders that their  
4 interests will actually be carried forward and incorporated  
5 into a process.

6                   One of the reasons we got involved with the  
7 state water partnership was essentially the Bureau of  
8 Reclamation told the State, "You need to get the Colville  
9 tribes consent." They didn't do the advocacy force; they  
10 told them to come to us. They came to us; they took us  
11 seriously. They understand the nature of our rights and  
12 our capabilities to protect ourselves, and we were able to  
13 work something out.

14                   And we also understood from them that they  
15 were going to be sure to account for the interests of the  
16 many other stakeholders in this process, including a lot of  
17 interests that we've historically been antagonistic towards  
18 as a tribe for a lot of, you know, good and bad reasons.  
19 And this type of reassurance worked somehow to cause us to  
20 be willing to lay aside those historical antagonisms, and I  
21 think that that's really important for whatever government  
22 is really involved in facilitating the collaborative  
23 processes. You've got to provide creditable assurances to  
24 all the stakeholders that no one is going to be left out;  
25 you're not going to be on the side of any one group.



1                   Now, tribes certainly have a certain  
2   expectation about federal agencies, certainly one that's  
3   part of the interior department that ours are going to be  
4   accounted for. We're not necessarily seeking that, you  
5   know, you be advocate against somebody else, but certainly  
6   what we're looking for is recognition that we have  
7   meaningful rights, that we have sovereignty and, above all,  
8   we have a capability now to look out for yourselves. So  
9   keep tribes in the process and we can hold up our end of  
10  it, and we're very pleased to.

11                  I think finally with the Columbia River,  
12  some very traditional federal roles will come in handy  
13  here, and that's money to fund projects that are deemed  
14  worthy after passing muster through some kind of legitimate  
15  regional process that can effect these things to the local  
16  and regional level.

17                  And second, I think Keith has mentioned,  
18  and over the long term I don't see how we can fully solve  
19  problems of the Columbia Basin without figuring out a way  
20  to bring more water down from the upper basins in Canada.  
21  I think Keith referred to the types of opportunities that  
22  are there, and I think obviously the federal government is  
23  the entity that's going to have to play that role with a  
24  proper process from -- to get the right input from the  
25  local interests in the region.

1                   Thank you very much for being here. I  
2 really appreciate this opportunity.

3                   MR. CASE: Thank you.

4                   Rob Masonis with American Rivers.

5                   And my thanks to the speakers so far for  
6 keeping it succinct and short. It makes my job a lot  
7 easier.

8                   And then Darwin Fales next.

9                   MR. MASONIS: Thank you, Secretary Kempthorne,  
10 Administrator Johnson, Director Hall, Regional  
11 Administrator Kreizenbeck.

12                  I appreciate the opportunity to speak with  
13 you today. My name is Rob Masonis. The spelling is  
14 M-A-S-O-N-I-S. I'm the senior director of the Northwest  
15 Regional Office of American Rivers. Our mission is to  
16 protect and restore rivers and the variety of life they  
17 sustain for the benefit of people, fish, and wildlife. And  
18 the core belief behind our work is that healthy rivers are  
19 a valuable community asset, and I think the Spokane River  
20 is an example here in the city of Spokane.

21                  I have firsthand knowledge in cooperative  
22 conservation. I was one of the negotiators of the Columbia  
23 River program that Keith Philips so eloquently explained  
24 today, and it was a great opportunity for me to work with  
25 people of various interests that bring different values to

1 very constructive dialogue.

2 I have four points or observations I would  
3 like to leave you gentlemen with today. The first is one  
4 that Mr. Peterson has already mentioned, and this may seem  
5 counterintuitive, but I believe that good fundamental  
6 bedrock environmental laws such as the Endangered Species  
7 Act, the Clean Water Act, are actually creating incentive  
8 for cooperation to happen. They are an action-forcing  
9 mechanism. They establish goals. They establish standards  
10 and create the arena, if you will, in which cooperation can  
11 take place.

12 And I think that is -- has been borne out  
13 all over this region. I can think of a number of processes  
14 -- cooperative conservation processes under way that were  
15 driven by requirements of the Endangered Species Act and  
16 the Clean Water Act, and we've already talked about a  
17 couple today.

18 The second point I would like to make is  
19 one that has also been made by other individuals; that is  
20 the importance of independent, high quality scientific and  
21 economic information to inform the dialogue. Not having  
22 that can create paralysis in these conversations with  
23 competing science, competing economics. It's incredibly  
24 inefficient and, in the long run, is very expensive.

25 And one of the things that we did in the

1 Columbia Water Partnership in the negotiations was having  
2 independent scientific and economic analysis brought to  
3 bear. We need to do a better job of that in these  
4 contentious natural resource issues.

5                   The third one is respectful solution-  
6 oriented stakeholder participation. I cannot emphasize  
7 this enough. If we don't have that, it doesn't matter how  
8 well structured the process is, it doesn't matter what the  
9 laws are, you're not going to get to an agreement. And  
10 that's what we had in the Columbia River partnership. And  
11 it's unfortunate that the other negotiators are not here  
12 today. I think I'm the only one. But we did not agree on  
13 everything but we respected each other's views; we shared  
14 our views; we hashed it out. Sometimes it took many hours,  
15 but we did it. And so ideology needs to give way to  
16 pragmatic problem solving, and too many of these natural  
17 resource issues are polarized on ideological lines. That  
18 has to end.

19                   The fourth one is political leadership, and  
20 I'm glad Senator Morton is here today because he played an  
21 instrumental role in bringing this agreement about, along  
22 with Governor Gregoire and Senator Poulsen and other  
23 members of the Washington State legislature. Political  
24 leaders need to respect and, if you will, protect the work  
25 of the stakeholders that they develop by working together,

1 protecting through the legislative process, get funding to  
2 implement it. Without that kind of political leadership,  
3 the efforts and the toil of the folks in the trenches will  
4 not come to fruition, so I really appreciate the  
5 opportunity to speak with you today, and I appreciate the  
6 opportunity to come to Spokane. Thank you.

7 MR. CASE: Thank you.

8 Next is Darwin Fales of the Quincy  
9 Irrigation District, followed by Francis Si John from the  
10 Coeur d' Alene tribe.

11 MR. FALES: Good morning. I am Darwin Fales,  
12 manager of the Quincy Columbia Basin Irrigation District,  
13 one of the three irrigation districts that make up the  
14 Columbia Basin Project.

15 The Columbia Basin Project is a federal  
16 reclamation project that contains about 1.1 million  
17 irrigated acres. It was authorized under the Reclamation  
18 Reform Act of 1939. Currently there's about 670,000 acres  
19 that is irrigated from surface water and approximately  
20 160,000 acres that are irrigated in the Odessa sub-area's  
21 groundwater aquifer area, and that aquifer is in decline,  
22 as you're aware.

23 The Columbia Basin Project irrigation  
24 districts have been pioneers in collaboration of the  
25 cooperative conservation. It's unique that -- we think



1     that the first time in about 30 years we have a federal  
2     government and a state government that are coming together  
3     to work cooperatively on these water supply issues, and  
4     it's refreshing.

5                     As far as cooperative conservation goes,  
6     the irrigation districts have conserved for many years --  
7     well, since they've taken over the project in 1969.  
8     There's been hundreds of laterals -- open laterals that  
9     have been lined and piped, hundreds and thousands of taker  
10    feet of water that have been conserved on the project.  
11    These projects have been accomplished through conservation  
12    grants that have been received by agencies like the Bureau  
13    of Reclamation, Water Conservation Field Services Program,  
14    the State Referendum 38 Program and Reclamation State,  
15    Washington Investigations Program.

16                    As you know, we did in 2004, the irrigation  
17    district, sign into a Memorandum of Understanding with the  
18    State and the Bureau of Reclamation. And the purpose of  
19    the Memorandum of Understanding states right in it that the  
20    parties will use their best efforts in working  
21    collaboratively to secure economic and environmental  
22    benefits from improved water management both from within  
23    the federal project and along the main stem Columbia.

24                    The objectives were listed as being willing  
25    to meet the needs of growing communities in their role in

1 agricultural economies and do so in a manner that will  
2 reduce risk to fish resulting from downstream water use.

3                   The memorandum is intended to coordinate  
4 and facilitate cooperation between these parties, events  
5 and actions of many water supply issues including  
6 mainstream storage, mainstream drought relief, municipal  
7 and industrial water supply, Odessa sub aquifer water  
8 supply, Potholes Reservoir operation, and alternative water  
9 feed routes, as well as others.

10                   As far as environmental partners, the  
11 Columbia Basin Irrigation Districts have shown that we are  
12 willing and able to get involved. We have been -- we have  
13 entered into a Memorandum of Understanding also with the  
14 EPA, with the Department of Ecology and the Bureau of  
15 Reclamation regarding water quality.

16                   I'm kind of at a loss here, but I guess as  
17 far as to answer the question how can the federal  
18 government, what can they do as far as help the cooperative  
19 effort is one of the things we see is that the federal  
20 government needs to be not only cooperative partners in the  
21 administrative resources but also financially.

22                   The federal government needs to be a  
23 reliable partner when it comes to funding, and we'd like to  
24 see a budget item put into the annual budget to support the  
25 50 percent cost share of these ongoing programs.

1                   Thank you.

2                   MR. CASE: Frances Si John from the Coeur d'  
3 Alene tribe. And then No. 1.

4                   MR. SI JOHN: Thank you, Senator -- Secretary  
5 Kempthorne. I'm sorry about that. It's been a long  
6 morning.

7                   I'd like to, first of all, introduce  
8 myself. My name is Francis Si John. I'm vice chairman for  
9 the Coeur d' Alene tribe, and I'd like to welcome each and  
10 every one of you here today for being able to take part in  
11 this discussion. It shows great leadership and it shows a  
12 great commitment and the true partnership within the region  
13 and meeting with the folks that live here. And I know  
14 that, Secretary Kempthorne, that we've have had good  
15 dealings with you with your tenure with the state of Idaho,  
16 and you've been true to your word and a great leader and a  
17 great example, and you've made strides with the National  
18 Bison Range Agreement. I mean, that shows true commitment  
19 there.

20                   You've done some things with the state of  
21 Idaho and the Coeur d' Alene tribe and the basin cleanup  
22 that have been real instrumental, and I know that with good  
23 leadership and with the guys here that are onboard that  
24 we're going to be able to come back with some real good  
25 tangibles.

1                   But I'd like to speak for a minute with  
2   regards to Coeur d' Alene tribe's comments in regards to  
3   cooperative conservations. The Coeur d' Alene tribe has  
4   been in conservation all our lives throughout our history,  
5   and we want to extend our hand out to be able to have a  
6   seat at the table to be able to be utilized in any arena.

7                   You know, we're talking about the Spokane  
8   River corridor. You know, the Coeur d' Alene tribe is at  
9   the headwaters and we have partial treatment as a state,  
10   and we're trying everything we can with the help from the  
11   EPA that we've been able to utilize that as a tool to  
12   ensure that clean water is coming down that river. And I  
13   think those types of agreements and those types of steps  
14   towards those types of conservation is important. And I  
15   want to take it one step further and maybe look at the  
16   possibility of looking at some land use policies, some  
17   really stringent land use policies.

18                  You know, pollution and contaminants and  
19   things of that sort don't know any boundaries. And the  
20   Coeur d' Alene tribe has taken those steps to make our land  
21   use policies more stringent than maybe what's in the  
22   southern Kootenai County or Benewah County.

23                  So we're taking those steps, but we need it  
24   across the board to look at the land use policies for  
25   wastewater treatment facilities, wastewater that goes in

1 the creeks, and also the impacts that the housing  
2 developments or public developments or other developments  
3 have on land. We have been a rediscovered territory. We  
4 have light industry. We have industry that's moving into  
5 the area. We have our population projections that are  
6 showing the whole Inland Empire, the whole region, and we  
7 have people coming, and we've got to be prepared for that  
8 so that we can have a good environment and good sustainable  
9 communities and livable communities for all of our kids in  
10 the future, for our children and our children's children,  
11 and be able to -- on the other side of it is to be able to  
12 balance a sustainable economy.

13                   So you know, we have our tasks ahead of us.  
14 We want to be able to see some tangibles to come out of  
15 that. We know it's not going to be overnight, but we know  
16 that on behalf of the Coeur d'Alene tribe and the tribal  
17 council that we extend our hand out. We would like to be a  
18 part of that process. So again, thank you again for  
19 attending. Thank you.

20                   MR. CASE: Thank you. I'll point out that I  
21 apologize to Mayor Diana Wilhite. I skipped over her name  
22 and ask if you'd like to come forward. Mayor of Spokane  
23 Valley. Sorry about that.

24                   MS. WILHITE: I too want to add my thanks to the  
25 Secretary of Interior Kempthorne and the members of the

1 federal agencies who have accompanied him to the Spokane  
2 region to hear from us.

3 I want to comment that everyone who's come  
4 before me has brought up some great ideas. Collaboration,  
5 it's very important that we bring all of the parties to the  
6 table; that we realize that the average citizen out there  
7 does have great ideas that we need to hear from; they have  
8 creative solutions; they've been living the problems and  
9 they perhaps can help us find that solution.

10 Now, as of the mayor of the newest city in  
11 the state of Washington - we're only three years old - I've  
12 discovered I've gone from being the citizen to being one of  
13 those government people. And one of the things I'd like to  
14 point out is that timeliness is really important. We need  
15 to take the time to hear everybody, hear what they have to  
16 say, have that discussion and dialogue to come to a  
17 solution.

18 But once we do, sometimes I feel like the  
19 federal government takes, then, forever to come forward  
20 with the final document, the final decision. And so I  
21 would like to emphasize how important it is that once we  
22 come to a conclusion, that we do get it then into action.  
23 In our city, we've been dealing with FEMA on looking at  
24 revising the floodplain.

25 I have a citizen who, before our city was

1 incorporated, had been working on this problem, and I  
2 believe we're into our seventh or eighth year of trying to  
3 get a decision out of FEMA on floodplains. And I find our  
4 citizens get very frustrated on how things drag on, so I  
5 would like to emphasize that timeliness, once we come to  
6 that decision, is very important. So I thank you very  
7 much.

8 MR. CASE: Thank you.

9 If you're wondering how many numbers we  
10 passed out in the end, well, it's a secret. No. Actually,  
11 it's 183. If you didn't get a card, you'll still be able  
12 to come up and talk. You don't have to run out and get  
13 one. Or if you want to get a card in order to respond to  
14 the address, there will be cards outside afterward.

15 So No. 1?

16 MS. ZAMMIT: Good morning. My name is Molly  
17 Zammit, Z-A-M-M-I-T. I'm from Spokane, Washington, and I  
18 represent Discovery School and the Friends of Turnbull,  
19 which is a non-profit organization that works the Turnbull  
20 National Wildlife Refuge.

21 I am a story teller, so I'll tell you the  
22 history of how we came to work out at Turnbull. Three  
23 years ago, two colleagues and I went out to Turnbull and  
24 asked, "What can we do to help?" And at that point, the  
25 supervising ranger said, "Well, we have this enclosure

1 area. We can't take care of it right now due to budget  
2 cuts. It's yours." And that exclosure area became the  
3 heart and the core, along with the adoption of the Bluebird  
4 trail, of our second, third, and fourth grade life science  
5 program.

6                   So we've already shown how volunteerism and  
7 partnerships can be very strong, and I feel that our  
8 partnership with Turnbull is very strong. Last night at a  
9 meeting, I found out that we have logged over 23,000 hours  
10 of volunteer time at Turnbull, which is phenomenal. So we  
11 have forged these relationships.

12                   I am a teacher, so I am going to ask a  
13 question, but I don't expect an answer today because I know  
14 that budget cuts and budget problems are a never-ending  
15 hassle. All of us have our little areas that we are  
16 wanting to have taken care of. But how can we as a group,  
17 a collective group - government, citizens, schoolchildren -  
18 work together to ensure the quality education program that  
19 we have at Turnbull from that staff continues? Because in  
20 the end analysis, it's their efforts and their vision that  
21 became part of our efforts and vision, not only these kids  
22 that were here this morning but of all the other  
23 volunteers. Because I'm looking at my responsibility as a  
24 teacher. I have the future behind me that's going to be up  
25 there in 20 or 30 years.



1 Thank you.

2 MR. CASE: Thank you.

3 No. 2?

4 MR. FLORAY: Student body president -- I mean  
5 Kempthorne. Did somebody see Dennis Erickson?

6 Secretary Kempthorne, Administrator  
7 Johnson, dignitaries, thank you.

8 I'm Bill Floray [phonetic], fourth  
9 generation producer from the Lewiston area. I want to  
10 change the tenor just a little bit and talk about shared  
11 responsibility and opportunities at the grass roots level  
12 in regard to production and programs. I'll talk a little  
13 bit about 319 grants; tribal water quality monitoring; CRP,  
14 the Conservation Reserve Program; CSP, the Conservation  
15 Security Program. And that about covers it.

16 I want to issue a disclosure that up until  
17 two years ago, my fourth-generation operation was not a  
18 participant in any of those funding programs. And we have  
19 practices that have practiced, as Secretary Kempthorne has  
20 personally witnessed, long-term precision agriculture in  
21 regards to direct seed precision application [inaudible] as  
22 well as advanced forest practices.

23 Let's talk about CRP, the Conservation  
24 Reserve Program, for a minute. It holds habitat and  
25 future energy - I want to talk about energy for a minute -

1 solutions. As cellulous enzymes are refined - and that's  
2 not done yet, but it's coming - CRP partial harvesting for  
3 conversion to biofuels will be, one, economically, and two,  
4 environmentally, very regionally and nationally important  
5 without hunting or erosion negative impacts. It also holds  
6 -- CRP also holds plant grazing potential to help offset  
7 the tie-up of federal lands all without environmental  
8 damage. This is all possible.

9                   Talk about CSP, Conservation Security  
10 Program. And to be blunt, Mr. Secretary, I would hope that  
11 the administration would take full ownership of this  
12 program as it was written by Mr. Harkin, and implement it  
13 as your own. 18 percent of the watersheds in the nation  
14 are enrolled to date. Here's some opportunities CSP has.  
15 There needs to be more NRCS, National Resource Conservation  
16 Services, Mr. Knight's shop, needs to be more staffing for,  
17 one, sign up, and two, technical monitoring.

18                   Two, there needs to be financial and  
19 internal paperwork and practices moved over to FSA to  
20 provide internal and financial checks and balances for  
21 consistency.

22                   And three, we need to make sure that NRCS  
23 becomes, again, the technical agency that it's always been  
24 and provides consistency within the program.

25                   Within CSP we also need to provide adequate

1 funding for the practice. And this program funds practices  
2 that are already in place, not those intended and -- and  
3 also, this program should not be an entitlement, as it was  
4 never intended to be. CSP pays for practices already in  
5 place that are providing environmental benefit, not theory.

6 Third most importantly, we need to include  
7 tribes and Fish and Game and their data and extensive water  
8 quality databases. Five-year, ten-year, 50-year storm data  
9 stream data is extremely -- an extremely important  
10 component in quantifying where we are, where we've been,  
11 and where we're going and how these programs are working.  
12 That information exists now, and I think it's wildly  
13 underutilized.

14 I've outlined a few programs. There are  
15 others. But Mr. Secretary, with your understanding, your  
16 long-term appreciation for the environment, coupled with your  
17 statesmanship and your interagency horsepower, I think  
18 there are some great opportunities presented here and a  
19 chance to achieve and allocate time, people, and money  
20 effectively to realize shared responsibilities and  
21 opportunities.

22 Thank you.

23 MR. CASE: Thank you.

24 No. 3?

25 MR. WEST: My name is Chris West, and I'm vice

1 president with the American Forest Resource Council. We  
2 represent about 90 forest product manufacturers and land  
3 owners in the 13 western states, and we're based in  
4 Portland, Oregon.

5 Secretary Kempthorne, Administrator Johnson  
6 and others, I'm so pleased to be here today and have the  
7 opportunity to give you my thoughts on how we should update  
8 and modernize both the Endangered Species Act and the  
9 Environmental Policy Act.

10 It's been 31 years since the ESA was passed  
11 and became law. While the intentions were good, we've done  
12 a dismal job in truly protecting, saving, and recovering  
13 species. And as a result, we believe that it's time both  
14 to update and modernize the ESA regulations to ensure the  
15 decision making uses the best available science. And we  
16 recommend that -- doing this by making all ESA decisions  
17 comply with the Data Quality Control Act.

18 We also see a need to create more real  
19 incentives to encourage landowners to participate in  
20 recovery efforts, since 9 percent of all listed species  
21 call private land their home. There needs to be expedited  
22 agency review as well as application of incidental take,  
23 authority, and no surprises assurances.

24 We need to clearly define what constitutes  
25 a species, whether it's threatened or endangered. We need

1 to be more specific on what constitutes Section 9  
2 prohibition on take. We need to establish consistent rules  
3 and policies and procedures for designating critical  
4 habitat. And lastly on the ESA, we need to simplify and  
5 reduce the Section 7 consultations.

6 With regard to NEPA, the NEPA statute is  
7 fairly simple. It includes just a few paragraphs. The CEQ  
8 regs are encompassed in 25 pages. But more important,  
9 during the last 30 years, the courts have added  
10 requirements that are not found in either statute or the  
11 regulations.

12 It is critically important that the CEQ  
13 procedures are simplified to allow projects to proceed in a  
14 timely fashion while also reducing the likelihood that the  
15 courts enjoin those projects. And we can do that by  
16 clarifying the limits on the analysis of differing  
17 scientific opinion, which we talked about already this  
18 morning.

19 Where there's no consensus, we need some  
20 framework on how to deal with that -- those -- the science  
21 where there's no consensus. Reduce the amount of  
22 information in the NEPA documents that is not essential for  
23 the decision-making. We have giant documents with a bunch  
24 of information that's useless or not really needed for  
25 making an informed decision.

1                   We need to narrowly define what new  
2   information is that requires a supplemental NEPA document  
3   and rein in the ever growing requirement to do cumulative  
4   analysis -- cumulative effective analysis. And then  
5   lastly, we need to clarify what type of projects are truly  
6   major federal actions and then reduce the requirement for  
7   analysis on those minor federal actions.

8                   In closing, a year ago I was in St. Louis  
9   for that great event. A little hurricane kind of messed  
10  things up a little bit. But I'm glad to be here today on  
11  the first kickoff of the second phase, and I'm committing  
12  our organization and our members to participate and also  
13  submit written comments to this important process.

14                  Thank you.

15                  MR. CASE: Thank you.

16                  No. 4?

17                  MR. SQUIRES: Good morning. My name is Owen  
18  Squires. I'm director of the Rocky Mountain Region of the  
19  Fulton Paper Workers Resources Council. That's spelled  
20  S-Q-U-I-R-E-S.

21                  Secretary Kempthorne, Administrator  
22  Johnson, I represent here today the United Steelworkers  
23  Local 80712, 80608, the Idaho AFL-CIO, and the Fulton Paper  
24  Workers Resource Council. It's a national organization.

25                  We have worked very closely for a number of

1 years since Governor Batt was governor of the state of  
2 Idaho on a project of coho salmon and B-run steelhead. We  
3 worked with the Nez Perce tribe, US Fish and Wildlife,  
4 Idaho Fish and Game, utilizing industry and labor to plant  
5 B-run steelhead and coho in streams in Idaho, along with  
6 schoolchildren using the ilks of the school.

7 To do that required a great amount of  
8 cooperation from everybody. It had to start with the  
9 governor's office so that we could have the political clout  
10 to get done what we needed to get done when the B-run  
11 steelhead was listed. It's all worked great for a long  
12 time.

13 For cooperative conservation to work, there  
14 needs to be changes in the Endangered Species Act and NEPA  
15 so that it's more species friendly. Our organizations, the  
16 AFL-CIO and -712 and -608, probably realize how important  
17 this is. There are 50,000 unemployed timber workers in the  
18 west alone, so we know what happens when you don't  
19 cooperate. There's a need to come together. And it can be  
20 done with the help, I believe, of the federal authorities,  
21 the state authorities, and everybody involved.

22 Thank you very much for your time.

23 MR. CASE: Thank you.

24 No. 5? 6? Go ahead.

25 MR. MORTON: Thank you for being here. I cannot

1 resist this molding Mayor Kempthorne, Honorable Senator  
2 Kempthorne, distinguished Governor Kempthorne, and now the  
3 most important: Attentive Listener Kempthorne.

4 A lot of what we're talking about is, of  
5 course, water and conservation, but we haven't really  
6 focused too much on the salmon issue that helped stimulate  
7 and bring this all about. And those who have asked me to  
8 speak wanted me to comment in the two minutes that I have  
9 on the standard recovery.

10 I remember in 1960 --

11 MR. CASE: Give your name, please.

12 MR. MORTON: Oh. Senator Bob Morton, state of  
13 Washington, the 7th district.

14 MR. CASE: Sorry.

15 MR. MORTON: I reflect back in 1960s, 1970s,  
16 when I had the privilege of going salmon fishing with my  
17 father, and it was very exciting because we had lots of  
18 salmon. However, he focused primarily, Dad did, on the  
19 Chinook king salmon. And I was surprised to find that  
20 today's figures reflect a greater population of salmon  
21 today than there were in the 1960s and '70s.

22 And so my question is, and the people  
23 frequently ask this: In the process of recovery, when are  
24 we recovered? What is the target? What is the goal? And  
25 we need to have that. And I'm glad to see, Mr. Hall,



1     you're picking up your pen and making a note of that.

2                             When will these be recovered? Just  
3     briefly -- and I may be trespassing here on a personal  
4     privilege. I've asked Jack to give you a lilac colored  
5     sheet of paper that shows since 1938 when Bonneville Dam  
6     was completed, and we could actually count then the salmon  
7     that went by Bonneville. And what we have on the lilac  
8     sheet, reflecting both the beautiful lilac city that you're  
9     visiting, and thank you, but also the data there that shows  
10    since 1938 the Chinook salmon returns coming through  
11    Bonneville.

12                            And in the last five years, you will note  
13    it is greater than at any other time since we were able to  
14    start counting in 1938. So my major question is for my  
15    people: In recovery, when are we recovered?

16                            Also on the matter of conservation and our  
17    water, not only for the fish but for all other entities, we  
18    were struggling this last session of the legislature with  
19    those who would buy up the water rights upstream so that  
20    they might mitigate with that water downstream. We have  
21    not, in the state of Washington, come up with a  
22    satisfactory answer to that. We were able to stop that  
23    temporarily, but we all need to address that.

24                            And I heard mentioned this morning here,  
25    British Columbia. And yes, they are upstream, but it's

1    need to be a cooperative - thank you for that - but a  
2    balanced process that we go through to be assured that none  
3    of us overdo the amount of storage or captivity of water.

4                   That brings me, then, to another concern,  
5    former governor, with your wonderful state of Idaho, which  
6    just, I understand, passed an important adjudication bill  
7    and finance for it.  What would adjudication in Montana,  
8    Idaho, those upstream areas of our Snake and our Spokane  
9    and our Ponderay Rivers, what impact would that have upon  
10   us?  We need to examine that very closely.

11                  At the executive branch of our government,  
12   the director of Department of Ecology has asked us to  
13   assemble and talk about the prospective impact of Idaho's  
14   adjudication on the water flow from Idaho on in to  
15   Washington and Oregon.  So I lift that up as one of our  
16   major concerns.

17                  I also want to bring before you -- and  
18   particularly I'm picking on Dale Hall a little bit here.  I  
19   would invite you to look more seriously into one of the  
20   restoration projects of our state, which is the remote site  
21   incubator.  Surprisingly enough, we have found we have not  
22   used it in some areas because it literally can overstock a  
23   stream.  Now, wouldn't that be nice to work with for a  
24   change, an overstocked stream of salmon?  The remote site  
25   incubator was first devised by the state of Washington

1 Department of Fish and Wildlife, and it's been used very  
2 successfully, and I'd like to see it through the  
3 progression of all of the salmon areas of our northeast and  
4 northern part of our country.

5 Cooperative conservation. You have hit it  
6 right on the nose. That needs to be cooperative of all of  
7 the drainages of our mighty Columbia, even down to the  
8 smallest stream.

9 The area that we're wrestling with also,  
10 and I lift it as an issue, is the rights of a water holder  
11 to be able to keep those rights within the watershed; that  
12 they do not go downstream, either for mitigation or  
13 whatever, because once they leave the watershed, the  
14 economy of that local area is drastically impacted. And we  
15 haven't, as I said, come up with a solution yet. It needs  
16 to be cooperative because we're talking also  
17 internationally here with British Columbia as well as the  
18 states themselves.

19 I might -- I might mention also that in the  
20 process of recovery, we, yes, need conservation; we need  
21 restoration. All of these programs need to be coordinated  
22 better than -- and that's already been touched upon here  
23 with our dealing with our federal agencies.

24 So again, I want to say thank you for  
25 coming. It's a pleasure to see you all. And let's go

1 ahead with cooperative conservation. Thank you.

2 MR. CASE: Thank you.

3 No. 6?

4 MR. KRETZ: Good morning. For the record, my  
5 name is Joel Kretz. I'm state representative for the 7th  
6 district, which is probably the most rural district in the  
7 state and heavily impacted by these issues.

8 I guess I'd like to take a little bit  
9 different tack on this thing. My experiences with the  
10 concept of cooperative conservation has been that there's a  
11 group of stakeholders convened, and they are all true  
12 stakeholders but there's only one with anything tangible on  
13 the table, which is the private property landowner. And so  
14 we've got a room full of people making decisions on  
15 something where only one person really has anything on the  
16 table, so to speak.

17 My experience has been it hasn't been very  
18 cooperative. It's been -- the term was used earlier,  
19 "coercive conservation." And I'm -- that's my fear with  
20 this whole process.

21 A little background. I want to tell you  
22 where I'm coming from. I coming from Okanogan County,  
23 which has served as ground zero for, in my opinion,  
24 misguided federal land use policies and ESA experiments. I  
25 left this morning with my headlights on. We've got

1 75,000 acres of federal forest land burning because of a  
2 beetle infestation that we haven't dealt with. It should  
3 have been harvested years ago. We're harvesting 6 percent  
4 of the historic cut on the Okanogan Forest right now.

5 We've spent 15 years and well over 80  
6 million trying to put in a gold mine in Okanogan County  
7 that has strong support of the local community. We're  
8 getting closer, but it shouldn't happen that way.

9 Agriculture is barely hanging on. My  
10 concern is that we're not saving species; we're not saving  
11 the environment. What we've created is a huge recovery  
12 industry. And that's what's driving so much of the  
13 process, in my opinion.

14 In Okanogan and in the Methow, which is a  
15 part of the Okanogan, we've been saving salmon it seems  
16 like forever. The Upper Columbia Salmon Recovery Board  
17 Bill, another one of these local cooperative efforts,  
18 consisted of agency personnel meeting in private for five  
19 years followed by a rushed public comment period with a  
20 final product billed as our local salmon recovery plan. It  
21 was neither. It was a handy mitigation tool for NOAA and  
22 the buyout fiasco, but it's not local and it's not locally  
23 supported.

24 We're spending, right now, \$700 million in  
25 rate payer dollars, \$700 million per year in the Columbia

1 to recover salmon, to save salmon that we've had six years  
2 in a row of record returns. In my opinion, what we've  
3 created at the expense of species and the environment and  
4 at the near destruction of rural communities and economies  
5 is the salmon recovery industry. Think about it; an often  
6 nonexistent but forever perpetuating crisis funded by  
7 unknowing rate payers and the urban apron with minimum  
8 oversight provided in house by the constantly recycled  
9 peers with no goals and no end in sight.

10 I guess until some of these little  
11 foundational problems are addressed, I have a real hard  
12 time getting too excited about cooperative anything. And I  
13 would just say that don't take my word for it. I've got a  
14 really excellent report here that was done by WSU on some  
15 of these kind of collaborative cooperative processes in the  
16 Methow. Until these kind of issues are dealt with in the  
17 truly rural communities, we're not going to get anywhere.

18 So I do appreciate you folks for coming and  
19 listening.

20 MR. CASE: Thank you.

21 No. 7?

22 MR. EBEL: My name is Fred Ebel [phonetic]. I'm  
23 from Post Falls, Idaho, and I'm a retired professional  
24 forester. I also own some timberland.

25 As of nine o'clock this morning, I wasn't

1 planning to speak, so -- and I'm not a great -- well, I'm  
2 not a great speaker, but I do want to share a couple of  
3 thoughts.

4                   Number one, conservation is a long-term  
5 proposition. It doesn't happen overnight. It needs things  
6 in place that can change over time and address the issues  
7 that work. And that's the key. We need things that work.  
8 Often that means boots on the ground and not huge  
9 gatherings like this to talk over the issue one additional  
10 time.

11                   I have watched these processes go forth for  
12 45 years. And cooperation is often short term; it's  
13 frequently intermittent; sometimes it doesn't happen at  
  
14 all; and it just fades away. So cooperation is great, but  
15 it has to have a life and it has to -- when we have to deal  
16 with it on a regular basis.

17                   I want to talk just for a second, because I  
18 know most about forest land is that, I think,  
19 Mr. Secretary, you will be interested in knowing that only  
20 10 to 20 percent of the private land, private forest land  
21 in the United States ever receives professional management.  
22 Now, we've got a 90 to 80 percent problem out there which  
23 could correct some of the things that we deal with  
24 concerning wildlife and water.

25                   I would suggest that Mr. Phillips and the

1 governor of Washington consider perhaps that we formulate a  
2 forester licensing -- a professional forester, licensing  
3 program that develops expertise on the ground and deals  
4 with many of the small landowner -- small forest landowner  
5 problems.

6 In addition, we've got a tax problem.  
7 We've got state problems that do not help forest  
8 landowners continue generational transfer of forest land.  
9 Frequently, timber is liquidated to pay for the taxes.  
10 We've got forest health issues, which I think most small  
11 landowners could deal with if they were given professional  
12 help.

13 I think my time is almost up, but I do  
14 appreciate you coming. Thank you.

15 MR. CASE: Thank you.

16 No. 8? 9? Anybody else in the top 10?

17 MS. MEENACH: Good morning, gentlemen. My name  
18 is Robin Meenach, M-E-E-N-A-C-H. I'm vice president of  
19 Washington Farm Bureau, representing about 34,000 families  
20 across this state. Thank you, Secretary Kempthorne,  
21 Administrator Johnson, Director Hall, and Assistant  
22 Director Kreizenbeck for coming to Spokane.

23 Cooperative conservation is a great concept  
24 as long as everyone is mindful of its very basic  
25 principles. It is voluntary. It is incentive based. It



1 is rooted in local action and is reliant on local action --  
2 or knowledge as well as science.

3                   One of the questions that we were asked to  
4 discuss today was how can the federal government better  
5 respect the interest of people with ownership in land,  
6 water, and national resources. The answer is very, very  
7 simple. Remember that private property rights are  
8 fundamental and are protected by our constitution, both  
9 federally and in this state, and also that capitalism has  
10 served us well, not socialism. You cannot leave the burden  
11 of cost on the landowner for private and public -- or for  
12 public interest projects.

13                   Agriculture can provide solutions to many  
14 environmental concerns, and partnerships are encouraged  
15 with private conservation entities not just with the  
16 government. Landowners should be compensated for  
17 environmental benefits that they contribute to society.

18                   The key issue for Washington Farm Bureau is  
19 keeping agriculture viable in the state of Washington.  
20 Programs that take land away from farmers, as in buffers,  
21 do not enhance the long-term viability, the economic  
22 viability of agriculture, nor, by the way, do they engender  
23 a spirit of cooperative collaboration.

24                   In fact, such regulatory takings that  
25 hamstring agriculture and unite property owner use of their

1 land are the direct cause of various ballot measures we are  
2 seeing related to property fairness and eminent domain that  
3 are springing up across the nation, including I-933 here in  
4 Washington State. Cooperative conservation projects must  
5 listen to stakeholders, and not only listen but respond to  
6 the needs of the landowners.

7 Washington Farm Bureau stands in complete  
8 agreement with some of the previous speakers regarding  
9 changes necessary in the Endangered Species Act and NEPA,  
10 both very very -- and Senator Morton. When are we  
11 recovered with salmon, for heaven sake?

12 As you hear every testimony today and at  
13 other scheduled hearings, please remember that cooperative  
14 conservation must, absolutely must be voluntary, not  
15 coercive. Projects do not have to be government driven or  
16 financed. We have a huge private sector that's willing to  
17 help us with conservation measures. But if the public  
18 perceives that conservation projects must be undertaken,  
19 then the public should help compensate the landowners.

20 Thank you for the time to present these  
21 concerns. We very much appreciate the chance to be here  
22 and to work with you in the future. Thanks.

23 MR. CASE: Thank you.

24 No. 9? 10?

25 MR. McCART: Hi. My name is Weston McCart

1 [phonetic], Springdale, Washington. I'm president of  
2 Stevens County Farm Bureau.

3 I'm here to tell you that cooperative  
4 conservation, in my eyes, is a pie-in-the-sky idea that  
5 will only work if we have regional managers and local  
6 managers from the federal government that are willing and  
7 committed to cooperation and conservation.

8 We haven't seen that in Stevens County.  
9 The Little Ponderay National Wildlife Refuge is a perfect  
10 example. We've asked citizens for years to be involved in  
11 the conservation of that area; to cooperate. We were  
12 denied any access, any meaningful commitment, so much so  
13 that we ended up filing a lawsuit to bring them to the  
14 table. This was done because they refused to even allow  
15 joint lead agency status of our county commissioners. So  
16 we had no local voice. This again happened with the  
17 National Park Service.

18 To give you an idea of exactly what kind of  
19 conservation is taking place, because we were not allowed  
20 to give local input for the plan, we now have controlled  
21 burning being done on the Little Ponderay National Wildlife  
22 Refuge. Last year this was done during the statewide burn  
23 ban. If this wildfire were to get off that land, it would  
24 destroy potentially millions of acres of both federal and  
25 private lands. Total disregard to our county agencies;

1 total disregard to our local citizens.

2                   Again, if you were to go look at the Little  
3 Ponderay Wildlife Refuge where they burned, you'd also find  
4 lots and lots of dead trees. What they did was, rather  
5 than allow grazing, they wanted to eliminate grazing based  
6 on an agenda, so they burned a fire that was way too hot  
  
7 and it killed trees. How is this conservation? We must  
8 have the ability to be at the table to even think about  
9 being cooperative.

10                   Now, as stewards of private landowners in  
11 that area, this was farmland well before it became a  
12 national wildlife refuge. We have citizens that have 80,  
13 90 years of history in that area that know how to manage  
14 the land locally. They know what the weather is. They  
15 know what the environment needs to sustain those habitats.  
16 But unless we're invited to the table, unless you allow us  
17 at the table to cooperate, it's not working.

18                   Also I want to say that regulatory concepts  
19 do not work as well as incentive-based. I was involved in  
20 the Colville River TMDL plan, and I can tell you very much  
21 that when the government entities came to the consensus  
22 that our property values, our land was dear to us and  
23 needed to be taken care of, and the mind sets changed of  
24 those government entities to where it was a cooperative  
25 respectful form, we managed to hammer out a plan that was

1 one of -- held up as one of the best plans in the state for  
2 helping clean up that water system.

3 Is it attainable? We don't know. We  
4 followed the guidelines, we're doing our best, but it was  
5 done in a cooperative manner. We invited everyone to the  
6 table. But you must allow people to the table.

7 You also must respect the economic  
8 stability of our area. Your regional managers, if they're  
9 not implementing and inviting your local entities and local  
10 citizenry to the table, our economic stability is ruined.  
11 This hurts us all. It hurts the federal government because  
12 as my income goes down, so does yours. So we all need to  
13 work together, and I urge that you get your local and  
14 regional managers to understand that cooperation in  
15 inviting the local public to the table will allow for  
16 conservation. And I thank you for listening to me today.

17 MR. CASE: Thank you.

18 11? 12? Anybody in the top 20?

19 MS. ROBERTS: Good morning. I'm Diana Roberts  
20 with Extension Agronomists with Washington State  
21 University.

22 First I must point out that the timing of  
23 this session comes slap down in the middle of wheat  
24 harvest, effectively precluding from this conversation a  
25 hugely important portion of the caretakers of the land who

1 are greatly effected by any government program.

2                   Secondly, I serve on the USDA local working  
3 group in Spokane and Whitman counties. We decide, at least  
4 we like to think that we decide, how EQUIP environmental  
5 policy incentive programs and the conservation security  
6 program funds are apportioned.

7                   The EQUIP program was designed as an  
8 incentive for farmers to implement new practices. It's  
9 hugely underfunded. Either it ends up with a very few  
10 farmers or foresters get worthwhile funds or it's so  
11 diluted that it's rarely not worth -- hardly worth the  
12 individual's time to apply for funds.

13                   The CSP, Conservation Security Program, was  
14 designed to reward the best and encourage the rest. That  
15 was a great theory. So far in practice it has rewarded the  
16 first and discouraged the rest.

17                   Last year several watersheds that we  
18 recommended for funding were consequently being cut from  
19 the program, and it's unclear whether they or any other  
20 watersheds will continue to be funded. And we don't know  
21 what the future of that program is.

22                   At this point, the farmers and their  
23 landlords who sign on to that program must make a ten-year  
24 commitment to follow the practices that they say. We need  
25 the government to make a similar commitment or a greater

1 commitment to support the farmers implementing  
2 environmentally appropriate farming systems on their  
3 ground.

4 Thank you.

5 MR. CASE: Thank you.

6 THE PUBLIC: So that you know where you are, I'm  
7 No. 14.

8 MR. CASE: Okay. That's where we are, No. 14.  
9 We're right on track.

10 MR. BILLINGSLEY: Dave Billingsley from Tribal  
11 States, which if, Mr. Phillips, one of your reservoirs  
12 happens, I'll be under 150 feet of water. That's in  
13 central Washington, Douglas County.

14 So that you think I'm not just a redneck  
15 rancher complaining, part of our operation I consider the  
16 cost of doing business is being involved in community  
17 projects. I'm a charter member of the Resource Advisory  
18 Council for BLM and Forest Service of Eastern Washington.  
19 I'm the present chair. I was state chairman of the Regs  
20 and Lands Conservation Initiative until we lost our  
21 funding. Currently active with TNC on developing a grass  
22 bank for our area. Work extensively with our Douglas  
23 County watershed planning groups in trying to manage our  
24 watersheds and preserve that.

25 But mainly today I speak as an individual

1     rancher trying to survive. And you talk about what  
2     provides habitat. The best habitat you can have for  
3     wildlife is profitable ranches and forest lands on private  
4     ground, because the government cannot own it all, and what  
5     happens on private lands determines what happens on the  
6     rest of it.

7                     I would say, Secretary, that the current --  
8     the new grazing regs that came out about the time you came  
9     into office are certainly an improvement in terms of how we  
10    work with the agency, and I'm glad to see that. One of the  
11    things, though, that both land management agencies and the  
12    federal government, I think have a real problem that just  
13    continues. And that is every time they take on a new unit  
14    or management changes on it, livestock numbers are cut  
15    regardless of the improvements and investments that have  
16    gone into facilities and new management plans. The knee-  
17    jerk reaction is to cut livestock numbers. You've heard  
18    the people talking about how taking the cattle out of the  
19    timber, you get dense undergrowth and fires run in the way.  
20    That was a resource that is now costing you money.

21                    One of the things that real personally I  
22    have a stake in this, we lost 2,800 acres of pasture land  
23    to the Columbia Basin Pigmy Rabbit. It was, four years ago  
24    federally listed I think as a result of a political  
25    maneuver, fought off some other areas that may have gotten



1 listed that had been more damaging. But for me, that's 200  
2 cattle for two and a half months that I have to find  
3 pasture for someplace.

4                   The rabbits that were there are now -- they  
5 were considered extinct when they were found. They were  
6 found back in the late '70s. We worked on a coordinated  
7 resource management plan with the state fish and wildlife  
8 soil conservation environmental group from University of  
9 Washington, and we were working under that plan. When the  
10 federal listing came in, we were removed from that ground.

11                   Now there are no rabbits left. The last of  
12 the Columbia Basin Pigmy Rabbit they had in captivity died  
13 a couple months ago. Fortunately, they did some cross  
14 breeding with some Idaho rabbits, so there's some  
15 rejuvenation going on there. But those are going to be  
16 reintroduced as the Columbia Basin Pigmy Rabbit, although  
17 they're cross bred. That doesn't work for salmon. Why  
18 does it work for rabbits?

19                   I think there's a lot of areas that we as  
20 local landowners and operators -- I put a lot of time into  
21 that management plan. As soon as it wasn't favorable, we  
22 got bumped out. That happened four years ago. We're just  
23 now getting a possible safe harbor agreement for other  
24 rabbits that might be available to put into the breeding  
25 program.

1                   But when I have neighbors that call me and  
2 say, "I think I have a rabbit, what should I do?" I tell  
3 them "Be quiet." I say if -- "For my benefit, I would like  
4 you to tell them its there. But for your benefit, don't do  
5 it." And until the landowner can come to the Wildlife or  
6 whoever and say "Look what I've got" and that agency say  
7 "What are you going right?" we aren't going to recover  
8 anything.

9                   Thank you for your time.

10                  MR. CASE: Thank you.

11                  No. 15.

12                  MR. FIELD: For the record, my name is Jack  
13 Field [phonetic]. I'm the executive vice president of the  
14 Washington Cattleman's Association. And you just heard  
15 from one of our members, Dave Billingsley.

16                  Thank you, Mr. Secretary and gentlemen of  
17 the federal and state regulatory agencies. I'll try to  
18 briefly address the talking points that were handed out on  
19 the white paper.

20                  Initially fairly simple in my mind how we  
21 would address these issues were the questions how can the  
22 federal government enhance cooperation for -- amongst state  
23 agencies, local government, for species and habitat  
24 conservation, but simply striked out and simply states and  
25 federal government will cooperate with state and local



1 reward those landowners that are making positive proactive  
2 remarks and management plans with their private lands,  
3 because as Dave had pointed out, currently the ESA has  
4 developed the three S's: Shoot, shovel, and shut up. If  
5 you have a species, don't tell anybody, just take care of  
6 it and bury it; whereas if we had the ability to contact  
7 Director Hall's office and say "I've got a pigmy rabbit,  
8 spotted owls, leopard frogs, come out and see what I'm  
9 doing" and I'm patted on the back and rewarded for obvious  
10 sound stewardship and clear management, it would be one  
11 that we would be able to work jointly and have many more  
12 private landowners coming forward.

13 My next point will be to Director Hall in  
14 regards to, as you heard earlier, the Little Ponderay  
15 Wildlife Refuge. The Washington Cattleman's Association  
16 has also planned in that court case, regarding the  
17 exclusion of local permit, these rights and the elimination  
18 of due process in the management -- or excuse me, the  
19 development of your management plan.

20 We would hopefully like to be involved at  
21 the table if you move forward with any type of a  
22 cooperative plan where we might be able to implement  
23 multiple use. It's key on all federal and state lands here  
24 in Washington State that we must have a well-balanced  
25 multiple-use approach where we can integrate managed

1 grazing, commercial timber harvest, and the recreational  
2 aspects that come along with it.

3                   If we're to have any species conservation  
4 or ESA that's going to make any true difference, we must  
5 base it on incentives, reward those making right decisions,  
6 and work collectively and jointly with the local efforts.  
7 The Washington Cattleman's Association would like to work  
8 with anybody to reach those goals as we -- as David  
9 mentioned, we've got to keep people profitable at home on  
10 the ground, otherwise we can have a longer list but no one  
11 really saving anything.

12                   Thank you.

13                   MR. CASE: Thank you.

14                   No. 16? Oh, I'm sorry. I didn't see you  
15 standing over there.

16                   While you two are arguing, we are going to  
17 take a break at 12:30. The people up on the podium are  
18 superhuman, but even superhumans have to take a break, so  
19 we will take a break at 12:30, just so you know.

20                   Go ahead. I'm sorry.

21                   MR. GAFFNEY: Thank you. My name is Mike  
22 Gaffney. I'm from Washington State University, and I  
23 coordinate a program called National Resource Leadership  
24 Academy. And first I'd like to thank you all for being  
25 here.

1                   We have researched, taught, evaluated and  
2   trained around issues of collaborative community based  
3   problem solving. And we've had fertile ground from some of  
4   you in the state of Washington. You've heard many examples  
5   talked about this morning.

6                   And from that perspective, I say to you  
7   there is great potential in cooperative conservation. And  
8   I think this effort that you are participating in today is  
9   a great step towards realizing that potential. But there's  
10  also great risk in what you were doing and in the mandate  
11  for cooperative conservation coming from on high from the  
12  federal government. And that is that you created not just  
13  a recognition and potential, but a promise, an expectation.

14                  And what we have seen time and time again  
15  in the field is an opportunity to meet that expectation by  
16  urging you to pay attention to it, and that is while  
17  communities and private industry and tribes and local  
18  government all are more than anxious to step up and  
19  participate in a collaborative processes because they see  
20  the potential in those processes, we often see a failure to  
21  meet those expectations on the side of agencies. And  
22  that's not an intentional failure. I want to reenforce  
23  that.

24                  What we see is a lack of resources on a  
25  number of scales, be they personnel, monetary, or I think

1   equally important from our observations, a lack of  
2   incentive and skill at the agency level.  You have a lot of  
3   folks who don't have much exposure to collaborative  
4   processes, who don't have that as part of their training or  
5   their inclination, and then certainly not a historical part  
6   of agency culture for most of the regulatory agencies.

7                   I urge you to see that as an opportunity  
8   for change and ask that you consider that as an element  
9   that ought to be addressed as you move towards cooperative  
10  conservation, as an element that needs to be addressed if  
11  the expectations are to be met, the promises are to be  
12  realized for cooperative conservation.

13                  MR. CASE:  Thank you.

14                  MR. HARRIS:  Good afternoon.  I'm Timothy  
15  Harris.  I'm the general counsel for the Building Industry  
16  Association of Washington, and I also appear here on behalf  
17  of the National Association of Home Builders.

18                  Housing affordability has become a national  
19  crisis and regulations like the Endangered Species Act and  
20  storm water regulations are pushing up the costs of housing  
21  and pricing families out of the market.  The application of  
22  many of these regulations are ill conceived, they're  
23  unnecessary, and provide little benefit to the environment  
24  while stifling the economy.

25                  The problem, we've heard it time and again,

1 is the salmon listing, and the Commerce Department is a  
2 real problem. The Commerce Department has not really  
3 changed in its outlook, in its philosophy and its  
4 application since the Clinton administration. It's still  
5 living under the excesses of the Clinton administration.

6                   Secretary Kempthorne, I've actually been  
7 very impressed with the Department of the Interior at how  
8 they've worked with the tribes and the property rights  
9 folks and environmentalists in establishing hatcheries in  
10 Rocky Mountain states to bolster naturally spawning  
11 populations, which really make sense.

12                   You've heard folks talk about rabbits and  
13 how they interbred and how they kept the populations going.  
14 We're not doing that in Commerce. In the meantime, we've  
15 had 124,000 spring Chinook come up the Columbia River.  
16 474,000 fall Chinook are expected. When are these fish  
17 going to be taken off the endangered species list?

18                   So Secretary Kempthorne and perhaps  
19 Director Hall, could you place a call over to Commerce and  
20 see what they're doing over there and try to straighten  
21 them out? Because they're really not paying much attention  
22 to my calls anymore. I've been beating my head for the  
23 past six years trying to get their attention.

24                   It's fairly obvious when you have hundreds  
25 of thousands of species -- of animals of this particular



1 species, these listings are dubious. There's real problems  
2 with it. And the problem gets manifested at the local  
3 level because the local jurisdictions see that the fish are  
4 listed and they go running like banshees to implement the  
5 most oppressive land use regulations in the country. And  
6 that is not an exaggeration. Some of our local  
7 jurisdictions have the worst land use regulations in the  
8 entire country.

9                   And we found that sometimes when a local  
10 jurisdiction doesn't do that, the governor's office sues  
11 them to make sure that they do have more oppressive  
12 regulations. This isn't cooperation.

13                   And, Keith, I'm sorry. You've heard me  
14 talk about this before. It is an example in your city of  
15 Kent. I don't know the entire history of it, but it's  
16 incredibly frustrating when the government steps in when a  
17 local jurisdiction is trying to work with a bunch of  
18 parties and to do the right things.

19                   The regulations are a hammer and they  
20 stifle cooperation. They're not built and they're not  
21 implemented to be cooperative. Individual property owners  
22 -- there's got to be a model for providing compensation for  
23 individual property owners. These are the folks that are  
24 actually paying for it. It's nice when a bunch of  
25 regulators and environmentalists sit around and talk about

1    how property owners should pay for and in fact set aside  
2    their land as a park, but somebody should have to bear that  
3    burden.  It shouldn't all be the person who's got their  
4    entire nest egg, their retirement, in a piece of property.

5                    So let me be very specific.  Here's what I  
6    would like from you folks.  I'd like a clear policy for  
7    delisting species, because clearly there isn't one,  
8    particularly over at Commerce with respect to the salmon.

9                    I'd also like, with respect to critical  
10   habitat, some sort of guidelines for easing those  
11   designations and for rewarding landowners for contributions  
12   that they do make to help bring species back.  Because  
13   after all, that is the point of the Endangered Species Act.

14                   I really welcome the opportunity to discuss  
15   these matters with you.  I stand ready to work  
16   cooperatively with you folks, with local, state, and  
17   federal agencies.  I believe that a strong commitment to  
18   remove unnecessary barriers that exist today will foster  
19   positive collaboration with the regulators.

20                   Thank you very much.

21                   MR. CASE:  Thank you.

22                   MS. CROSS:  My name is Midge Cross, C-R-O-S-S.  
23   I'm from the Methow Valley, and I represent The Methow  
24   Recreation Coalition, which is a widely varied group of  
25   forest users.

1                   The Methow Valley is a beautiful place. If  
2 you haven't been there, please come and visit. It is a  
3 peninsula of land entirely surrounded by public land. And  
4 one of the earlier speakers said that government can't run  
5 it all. Well, that's not really true, because in the  
6 Methow Valley we've got the government lands.

7                   Public land is about 83 percent of our  
8 land. That is publicly held; however, it is not publicly  
9 managed. Doing nothing is not managing. And it's not  
10 being managed because of the onerous regulations of the  
11 Endangered Species Act and the Late-Successional Reserve  
12 designation, which effectively prevents any management  
13 happening in our forest.

14                  Now we hear from our local district ranger,  
15 our forest ranger, United States Forest Service, that we  
16 need an Environmental Impact Statement.

17                  Let me direct you to this fir and Tripod  
18 fire which currently is burning at 75 or 80 acres with no  
19 end in sight. If that is not an Environmental Impact  
20 Statement, I don't know what is. And I will say this:  
21 That when our forest burns - and it's not if, but when -  
22 those endangered species will be incinerated and our  
23 economy will be in shambles. So what we are asking for is  
24 relief from the onerous regulations that prevent any  
25 management of our forest.

1 Thank you.

2 MR. CASE: Thank you.

3 No. 19? 20?

4 MR. CURTIS: 17.

5 MR. CASE: 17? Okay.

6 MR. CURTIS: Good afternoon, gentlemen. My name  
7 is Mark Curtis. I'm with the district administrator for  
8 the Stevens County Conservation District. This district is  
9 one of 47 conservation districts within Washington State.  
10 And the conservation districts are the only organization  
11 that routinely applies on-the-ground nonpoint activity  
12 solutions with private landowners.

13 Our district works with stream bank  
14 stabilization, habitat improvement, wildfire protection,  
15 community wildfire protection, lands, forest land  
16 improvements throughout our district, and we've been doing  
17 it since 1942.

18 The district applauds the administration's  
19 efforts in promoting proper conservation and welcomes the  
20 proposed legislative changes which help resolve natural  
21 resources disputes and emphasize lots of different  
22 approaches to conservation.

23 Our extensive experience with private  
24 landowners shows in the case of voluntary conservation  
25 programs have -- designed to help national resource

1 concerns are inherently more effective than regulatory  
2 actions.

3                   Forming collaborative partnerships between  
4 federal agencies and local stakeholders offers greater  
5 cooperation and encourages community involvement in solving  
6 environmental concerns. There's a prime example in Stevens  
7 County of this collaborative organization, which is the  
8 Northeast Washington Forestry Coalition. It's made up of  
9 foresters, loggers, mill owners, environmentalists,  
10 business owners, ski hill owner, local leadership, and  
11 we've done work with the US Forest Services.

12                   And part of that process we've worked with  
13 designs on project designs and on the designs that have  
14 less court appeal. And this process, this collaboration  
15 has been emulated throughout the region and throughout the  
16 country.

17                   Regrettably in this same community, in the  
18 same community with the same leadership, the same  
19 cooperative effort, we have another federal agency that  
20 refuses to work on a collaborative cooperative  
21 conservation. One you've heard earlier was the Ponderay  
22 National Wildlife Refuge. And as you've heard today,  
23 there's a lawsuit pending against that because of the NEPA  
24 violations, the refusal to have public participation. And  
25 the leadership is the county, the district, the local farm

1 bureau, the cattlemen, the grange, state cattlemen, the  
2 State Farm Bureau, because we've been -- have not been  
3 allowed to participate -- publicly participate in the  
4 development of that land, a lawsuit is pending. Hopefully  
5 a lawsuit will be settled prior to going through the court  
6 system and we can get back to the table and work on our  
7 collaborative process to work on the habitat out there from  
8 the refuge with local input and that trust can be built.

9                   It's amazing in the same community where  
10 one federal agency works very well and then another agency  
11 doesn't work at all, so we ask that that be looked at and  
12 have consistency throughout the federal agencies so that  
13 the local community can trust all of the agencies together.

14                   Thank you, gentlemen.

15                   MR. CASE: Thank you.

16                   We'll have one more speaker before we take  
17 a break. 18 or 19?

18                   MR. OSTERMAN: 20.

19                   MR. CASE: 20.

20                   MR. OSTERMAN: My name is Dean Osterman. I'm  
21 from Spokane, Washington. I'm the director of natural  
22 resources for the Kalispel tribe of Indians, and thank you  
23 for the opportunity to make some brief comments. I'll be  
24 brief so we can all go to the bathroom.

25                   There's nothing new about cooperative

1 conservation at the Kalispel tribe. We've been doing  
2 cooperative conservation projects and management resources  
3 for a very very long period of time, and hopefully this  
4 type of attitude will take hold inside of the federal  
5 government and elsewhere so that we can move forward with  
6 permanent conservation types of projects.

7                   One of the biggest issues that we have is  
8 on private ground or federal ground or, you know, public  
9 ground, that the conservation solutions be permanent.  
10 They're no good if they only last a decade; permanent  
11 solutions to habitat because that's an ever diminishing  
12 resource for us.

13                   Cities continue to grow, water is pulled  
14 out of rivers, et cetera. If we find ways to permanently  
15 conserve that, that will be for all the good in the long  
16 run. There are some problems, though, about how we get to  
17 that. There are -- conservation easements are placed on  
18 private grounds. These are great solutions for private  
19 landowners; however we need to monitor the success of those  
20 easements and enforce those if there are problems and help  
21 private landowners to use their lands wisely, et cetera.

22                   So thank you for the opportunity here.  
23 Hopefully we can move forward together and cooperatively  
24 conserve all our resources. Thanks.

25                   MR. CASE: Thank you.

1 I have 12:28, and we're going to reconvene  
2 in 15 minutes.

3 Yes?

4 THE PUBLIC: I'm going to ask a question. I'm  
5 No. 129. Could you get a reading of how many people intend  
6 to speak after lunch?

7 MR. CASE: How many people plan to speak after  
8 lunch? Or after the break, I'm sorry. So much for lunch.

9 [Audience complies.]

10 MR. CASE: Okay. It looks like fewer people.

11 Okay. We will reconvene at a few minutes  
12 before 12:45.

13 [Pause in the proceedings.]

14 MR. CASE: We're going to start at No. 21. A  
15 couple of announcements. Okay. We -- a couple of things  
16 that I'd like to add. Administrator Johnson regrettably  
17 has to catch a flight and had to leave. He was thrilled  
18 with the turnout, that there were lots of people, and he's  
19 glad that this many people came out.

20 Secretary Kempthorne has a -- needs to  
21 leave at 1:30, and we would like to get as many people up  
22 to the podium before he leaves as possible, so I'm just  
23 asking if we could pick up the pace a little bit and if --  
24 and we're going in numerical order. And if you can kind of  
25 start cueing yourselves up so that you're just right there



1 by the microphone, and we'll keep going.

2 So 21?

3 MR. HEMMER: Yes. My name is Lee Hemmer,  
4 spelled H-E-M-M-E-R. I represent Foster Creek Storm  
5 Conservation District in north central Washington, Douglas  
6 County. And we're putting together a multi species habitat  
7 gradient for our county. And our main concerns is CRP and  
8 CSP, which is two main instruments in our HCP program, is  
9 to enhance the ground for the wildlife.

10 We have sage grouse and sharp tail in our  
11 area. In fact, it's only the county in the state that has  
12 got both of them, and so we appreciate your help in trying  
13 to get more money for CSP, Conservation Security Program.

14 Thank you very much for your time.

15 MR. CASE: Thank you.

16 22? 23?

17 THE PUBLIC: How about 27?

18 MR. CASE: Okay. 27. I want to you talk  
19 first --

20 MR. MYRUM: How about 24?

21 MR. CASE: 24?

22 THE PUBLIC: Go for it.

23 MR. MYRUM: I shouldn't do that. I have to  
24 catch a trip to the airport.

25 My name is Tom Myrum. I'm the executive

1 director of the Washington State Water Resource  
2 Association, the association for irrigation districts in  
3 Washington State, and I want to thank you for coming out.  
4 It's probably nice to come back home, Secretary Kempthorne,  
5 and I almost forgot and said "Governor Kempthorne," but  
6 it's good to see you.

7                   We worked really well with the Idaho water  
8 users, so we've been keeping track of what you guys have  
9 been up to in Idaho. But I had to seize on this  
10 cooperative conservation theme. And here in Washington  
11 State, there is a program called Comprehensive Irrigation  
12 District Management Plan, or CIDMP. It's a ten-step  
13 process for planning for water conservation in light of the  
14 Endangered Species Act and the Clean Water Act. And we  
15 have used this in the Walla Walla Basin, on the Olympic  
16 Peninsula and Dungeness, up in the Skagit, and so we have  
17 broad usage of this geographically. And interestingly  
18 politically, too. So it's very useful.

19                   The bottom line of cooperative conservation  
20 ends up being funding. You can cooperate to a certain  
21 extent and to a great degree. But in the bottom line,  
22 implementation needs funding.

23                   And in the Dungeness we've gotten really to  
24 the point where it's time to put a lot of our action -- our  
25 plan into action. The State has given a million and a half

1 to begin conservation with the irrigation districts up  
2 there so that they can conserve water for the Dungeness  
3 River.

4 Our next step is looking for federal money,  
5 and I want to put a plug in for all that the Bureau of  
6 Reclamation has done and the Department of Interior on  
7 Water 2025. Those grants have been used by the Sunnyside  
8 Valley Irrigation District and others here in Washington  
9 State.

10 So cooperative conservation really needs  
11 the funding aspect, because people are very willing to  
12 cooperate on very grand scales like the Columbia River or  
13 on the smaller scales like the Dungeness River to get  
14 things done to make a real difference. And in the end, it  
15 comes down to funding. And we hope that as the  
16 administration looks at this -- I know there's a lot of  
17 pressure on the administration to really lean on the  
18 budgets and take out money wherever they can. And so  
19 asking for money may be not what you necessarily came to  
20 hear, but we really think that to make cooperative  
21 conservation the success that is envisioned, we'll need to  
22 get there.

23 But again, thank you. I want to put a word  
24 in for my friend Mark Limbaugh doing a wonderful job at  
25 Reclamation and I'm sure at your office, and I appreciate

1     seeing you here in Spokane. Thank you.

2                   MS. BORCK: Good afternoon. I'm Gretchen Borck,  
3     B-O-R-C-K. I'm the director of issues for the Washington  
4     Association of Wheat Growers, representing 3,000 wheat  
5     growers in Washington State who today are in the middle of  
6     harvest with 2.3 million acres of wheat, hopefully being  
7     able to finish that harvest due to the shortage of diesel,  
8     and trying to complete harvest to feed the nation and the  
9     world from eastern Washington.

10                   We hope that what you hear today in Spokane  
11     will help enhance these discussions. The approaches that  
12     your conference took towards conservation is the same  
13     concerns that wheat growers have in eastern Washington,  
14     such as supporting passage in the US Senate of common sense  
15     Endangered Species Act reform similar to that which passed  
16     the House.

17                   Our federal government, in answering your  
18     five questions, can enhance conservation program outcomes  
19     by increased funding, which has been spoken about before  
20     with TSP, to meet the site-specific needs of region,  
21     county, or local areas that the program is being applied to  
22     for the betterment of the regional economic and  
23     environmental impact.

24                   The federal government can also facilitate  
25     cooperation among agencies with better communication so

1   that regulations are not duplicated or in conflict with  
2   each other, such as the contradiction that the Fuel  
3   Prevention Containment Contamination Rule, which EPA tells  
4   us that our petroleum tanks, if they were in the ground, we  
5   would not have additional cost of containment contamination  
6   area, reinforcement, fencing, lights, videos requirements.  
7   But the state agency of Washington Department of Ecology  
8   years ago made us dig those tanks out of the ground and  
9   have them above ground because of the concern of  
10   contamination in the ground. EPA tells us having them in  
11   the ground is okay. The DOE says no, have them above. The  
12   EPA says if we have them above, we have to have all of this  
13   additional expense.

14                   This simple lack of communication makes  
15   farmers shake their heads and agencies look silly, to say  
16   the least, with the agencies telling us the tanks above the  
17   ground and another agency with tanks below the ground both  
18   at the same time. We urge EPA to continue the exemption  
19   for agriculture from the coarse particulate matter rule.

20                   Also, WAWG would like to compliment Steve  
21   Johnson at EPA for the work that Lois Rossi is doing with  
22   us on pesticide harmonization. Everyone's worst enemy is  
23   junk science. And the expert authority, one recognized  
24   establishment such as the science -- National Academy of  
25   Sciences by all parties would help improve science used in

1 environmental protection and conservation programs.

2                   The federal government needs to work more  
3 cooperatively with businesses and landowners to protect the  
4 environment and protect conservation not only by funding  
5 programs to the fullest but helping local businesses with  
6 the loss of the taxed-based revenue by tax incentives in  
7 other areas of businesses to compensate for the  
8 conservation and environmental program loss of income.

9                   And finally, the federal government can  
10 receive better respect by setting up a better program and  
11 meeting space, but other than that, for people who not only  
12 are interested with us, have an interest in environment and  
13 conservation, but the ownership of land, water, and other  
14 national resources by not only coming to listen but take  
15 action on what you hear today and implement it to the  
16 fullest. And that includes funding and communication, two  
17 very strong tools to have in your toolbox.

18                   The three broad approaches that the White  
19 House conference identified improving conservation results  
20 were to promote cooperation within the federal government,  
21 promoting cooperation between the federal government and  
22 others, and eliminating barriers to cooperate in existing  
23 policies.

24                   The Washington Association of Wheat Growers  
25 hope that these listening sessions across the nation will

1 develop into action and that action be done in a  
2 partnership with all parties involving us, giving us better  
3 communication, funding, and understanding of all of the  
4 policies and issues for the conservation environmental  
5 programs now and for the future.

6 I want to thank you for coming to Spokane  
7 and kicking it off, even though it was in harvest. And my  
8 full testimony will be submitted at a later date.

9 MR. CASE: Thank you.

10 28? 29? 30?

11 MS. DALY: Hello. Thank you again for coming.  
12 My name is Carol Daly. That's D-A-L-Y. I'm from Columbia  
13 Falls, Montana. I'm with the Flathead Economic Policy  
14 Center there. I've been involved in collaborative actions  
15 for some time.

16 I want to talk about a couple of issues  
17 here. The first one has to do with community owned  
18 forests. As you may be aware, many of the industrial  
19 forest lands in the west and the upper midwest and  
20 elsewhere are being divested by the industrial landowners  
21 as they're turning into REITs or TIMOs and using their land  
22 for real estate purposes.

23 In many cases now, communities are  
24 attempting to acquire those lands so that they can maintain  
25 them, both for the various values that they serve and also

1 to maintain the character of their community.

2                   One of the things that happens is  
3 frequently when they do acquire the lands, they have been  
4 degraded and they need to be restored, so they have  
5 significant costs up front where, for instance, my part of  
6 the area, it may be 60 or 90 years before they can become  
7 revenue generating again.

8                   We do need to, I think, consider this is  
9 happening across the country in many places. We need to be  
10 looking at community owned forests as really a sector of  
11 the forest economy, along with tribal, federal, state, and  
12 small private. And we need to have some resources for  
13 them, including perhaps some of the resources of the state  
14 and private forestry section of the forest service, perhaps  
15 also looking at the possibilities of some tax incentives  
16 for people who invest in the acquisition of that land, and  
17 also perhaps increasing markets for ecosystem services so  
18 that there are some types of payments or some types of  
19 receipts that can be coming earlier.

20                   The second issue I'd like to talk about is  
21 collaboration, and that's something I think that's  
22 exceedingly important. I think the gentleman from  
23 Washington State University talked about their studies,  
24 echoes something that I've been finding in working with  
25 collaborative issues, particularly related to stewardship



1 contracting, for the last nine or ten years. There are  
2 some significant implications to say now that collaboration  
3 is the way we're going to be doing business for the future.  
4 And if that's the case, I think we need to think it through  
5 a little more carefully, because you have government  
6 people, you may have agency people, you may even have  
7 organizational people, who came to participate in some of  
8 those kinds of activities, but the average citizen is not,  
9 but they are asked to be a functioning piece of making  
10 decisions in how our natural resources and our  
11 conservation, our environment, are managed and planned for  
12 in the future.

13 I think that as people become involved,  
14 they develop a sense of ownership, and that's good that  
15 they're concerned and they have that ownership. But also  
16 with ownership comes the desire to be involved and to be a  
17 part of the decision-making process, and I think that's a  
18 piece we have not thought through all the way, is that we  
19 do need to be perhaps looking at how collaboration fits  
20 into the government decision-making process, and that,  
21 finally, I think those two, the whole point about agencies  
22 needing to be more involved, training is important, as I've  
23 mentioned, performance measures, but also one of the  
24 problems is that federal agency people tend to move around  
25 a lot. They're here; they have to go someplace else to get

1 a better job. What happens then is that the collaborative  
2 process is interrupted and perhaps has to be built again  
3 from the beginning, which results in delay.

4 And so I think perhaps you need to revisit  
5 the idea of moving, to become at a higher level in the  
6 agency or whatever, that some kind of consistency in the  
7 government representation in the collaborative process at  
8 the local level is really a good idea.

9 Last point. I was in St. Louis at the  
10 conference. And at that point, they said they would keep,  
11 you know, in touch with us afterwards. I got a notice  
12 afterwards saying that they had had another meeting with a  
13 select group of people who had been at the conference and  
14 as a result of that had come up with some legislative  
15 initiatives and whatnot.

16 I sent back to the name on the Cooperative  
17 Conservation Headquarters, or whatever, and asked who'd  
18 been at that meeting because I wanted to find out if there  
19 was another group that was in power, there would be some  
20 way for us to feed into them. Never received a response.

21 I think one of the things that's really  
22 important, along with openness and accessibility, is also  
23 transparency in collaboration. And so I would just sort of  
24 urge that consideration be paid to that in the future.  
25 Thank you.

1 MR. CASE: Thank you. 31? 32? 33? 34? 35?

2 36? 37? 38? 39?

3 39. 38.

4 And the Secretary warned me that he has to  
5 stretch. That's why he's getting up.

6 MR. KEMPTHORNE: You're all welcome to stretch.

7 MR. STEVENS: My name is Don Stevens, and I was  
8 raised in northern Idaho. I live in this area, own land in  
9 both Spokane and Stevens County, and I find myself here  
10 today wearing many, many, many hats, and there's no point  
11 in trying to air all of them.

12 There are two that I'm particularly  
13 concerned about. One is, as a grandfather, I'm very  
14 concerned about what kind of a planet we're leaving for the  
15 future. And in that regard, I feel that it really is  
16 futile to talk about water, land, forest and everything  
17 else that we talk about if we don't address the huge  
18 elephant in the room, which is what's happening with our  
19 climate and our energy supply.

20 We've been dependant upon and utilizing an  
21 addictive fossil energy supply which is doing terrible harm  
22 to the planet. And if you don't get no rain, there's the  
23 climate changes, why, you don't have any river to allocate  
24 or put on your farms or anything else. And I feel like the  
25 federal government has grossly failed to address the

1 reality of the science on this issue.

2                   It's real easy to keep saying "let's wait,  
3 let's wait, let's wait," but pretty soon you've waited too  
4 long and the consequences are too great, and we don't  
5 really know what those consequences are. It's like we're  
6 pouring this unidentified liquid into our glass of water to  
7 see whether it kills us or not. So that would be the  
8 global perspective that I come from.

9                   I also came to deal with a very specific  
10 element of the Endangered Species Act. I've been  
11 interested in and involved with conservation of small,  
12 uninteresting species of animals all my life: frogs,  
13 turtles, lizards, snakes, insects, various things that  
14 aren't flashy enough to get the kind of conservation  
15 attention that is given by zoos and other large  
16 organizations.

17                   And I feel the Endangered Species Act does  
18 not cooperate effectively with private industry in terms of  
19 perpetuation of these species. I would cite three  
20 examples. The first would be the ring-necked pheasant,  
21 which in its native land of nationalist or -- Nationalist  
22 China or Taiwan, I understand, became extinct. And at some  
23 point, they decided, "Gee, we'd like to reestablish it,"  
24 and so they came to the American game bird breeders who had  
25 preserved the species in their private way, and they were

1 able to provide the stock to reestablish there in Taiwan.  
2 And this is a resource that has been undervalued, I feel,  
3 by government and conservation organizations and wildlife  
4 people and so on.

5                   The second example I would point out is the  
6 American wood turtle. It isn't a real flashy thing. It's  
7 not like a tiger or a buffalo or a giraffe, but it's a very  
8 interesting little creature that occurs natively in the  
9 northeastern United States, and it's been disappearing in  
10 the wild. Through private captive propagation, thousands  
11 are being produced every year that can go into conservation  
12 projects back in the wild that can provide for people to  
13 get to know this species in captivity, and this is being  
14 done because it has not been declared an engaged species.

15                   The third species I would mention is a  
16 little character smaller than a softball called a  
17 Muhlenbergs turtle. And as a blessing or a curse, it's  
18 been declared an endangered species, as a result of which,  
19 although there are people who acquired propagation groups  
20 of these before they were listed and are propagating them  
21 actively, they cannot sell those to people out of the  
22 states in which they currently occur. They can legally  
23 hold them in the state, they can legally sell them to other  
24 residents of that state, but they can't be transported from  
25 one state to another. And if that pattern continues, in

1 all probability we will lose any potential for private  
2 industry to promulgate and perpetuate that species.

3                   The Muhlenbergs turtle is not disappearing  
4 primarily because of the captive ownership of it but  
5 because the so-called swamps in which it lives are  
6 attractive to agriculture, to drainage, to development, to  
7 population, recreation. And certainly I know this is a  
8 terribly complex issue and don't expect it to be solved  
9 immediately, but in the process of the time it takes to  
10 solve how we keep these various small populations of small  
11 and uninteresting animals alive, the private propagator is  
12 one who can do that. It doesn't cost a nickel in federal  
13 funds and all they need is the freedom to do so.

14                   And so I would say that this is imperative.  
15 The Endangered Species Act needs to be addressed; private,  
16 free enterprise propagator of endangered species to help  
17 them be able to work with government and public agencies  
18 instead of being constantly in fear of -- having the power  
19 to continue what they're doing as a positive interest be  
20 eliminated by one regulation or rule after another.

21                   And in conjunction with that, one of the  
22 real problems is the fact that the rules are so different  
23 from one state to another. In some states it's illegal to  
24 hold any native species. In some states it's perfectly  
25 legal to hold native species but illegal to hold any exotic

1 species. And so a person ends up having to be a  
2 marketplace shopper moving from state to state in order to  
3 continue the conservation efforts that they're pursuing in  
4 regard to a particular animal.

5 Thank you.

6 MR. CASE: Thank you.

7 39? 40? Go ahead.

8 MR. SPRENGEL: Hello. My name is Mark Sprengel.  
9 I'm the executive director of the Selkirk Conservation Land  
10 Basin in Priest River, Idaho. We represent 450 members.

11 Cooperative conservation sounds good. A  
12 lot of us are skeptical. Let me give you an example why.  
13 Three years ago, Mr. Kempthorne, when you were governor of  
14 Idaho and sat on the Idaho State Land Board, the Selkirk  
15 Conservation Alliance filed suit against you and five other  
16 Idaho state officials for violations of the Endangered  
17 Species Act.

18 The suit was brought to protect grizzly  
19 bears, mountain caribou, and bull trout from logging by the  
20 Idaho Department of Lands on some of the most valuable  
21 wildlife habitat in North America. Specifically, Idaho was  
22 logging crucial habitat for the above listed species  
23 without an approved habitat conservation plan or take  
24 permit from the US Fish and Wildlife Service, a clear  
25 violation of the law.

1                   When we initially pointed out the need for  
2     a habitat conservation plan to the Department of Land, we  
3     were told they had no intention to take coverage. After  
4     filing our lawsuit, the State finally did agree to develop  
5     a habitat conservation plan and asked us to drop the suit  
6     contingent upon good faith negotiations. This seemed  
7     reasonable at the time, cooperative conservation.

8                   Idaho consequently applied for, and in 2003  
9     received, a \$563,000 grant of taxpayer dollars from the  
10    federal government to develop a habitat conservation plan.  
11    In the spirit of cooperative conservation, I asked to  
12    participate in the habitat conservation plan development  
13    process as an interested stakeholder. As you no doubt  
14    know, citizen collaboration is strongly recommend in the US  
15    Fish and Wildlife Service Habitat Conservation Planning  
16    Handbook.

17                  The State, under your watch, refused to  
18    allow us to participate. Despite the Department of Land's  
19    refusal to cooperate with us, we nevertheless shared  
20    extensive work we conducted, such as the geographic  
21    information systems grizzly bear security analysis, gate  
22    monitoring data, timber stand phototyping data, GPS  
23    pictorial aerial photos, and motorized recreation activity  
24    and winter caribou habitat and ground monitoring  
25    information regarding a host of things, including the risk



1 of scheduled logging on high hazard landslide-prone slopes  
2 immediately above the remaining spawning beds of one of the  
3 most unique populations of bull trout in the Columbia River  
4 system.

5                   The impetuous for good faith negotiation,  
6 however, seems to have evaporated at the same time our suit  
7 was withdrawn. In the spirit of cooperative conservation,  
8 we dropped the lawsuit and asked to cooperatively  
9 participate in the conservation planning process and were  
10 promptly rebuffed despite the fact that \$563,000 of federal  
11 taxpayer money was given to Idaho to develop the plan under  
12 your watch.

13                   We requested the State to develop caribou  
14 habitat suitability information and were denied access to  
15 that information because we were told it was commissioned  
16 in anticipation of litigation, even though we had already  
17 dropped the suit in spirit of cooperation and in  
18 collaboration.

19                   Almost three years after receiving over  
20 half a million dollars of public money, Idaho still does  
21 not have even a draft habitat conservation plan, and the  
22 interim performance reports of the past two years are  
23 little more than fluff and feathers. Meanwhile, timber  
24 sales continue to be planned in imperiled species habitat.  
25 Other examples abound. The Idaho Department of Lands

1 continues to schedule timber sales and water maintenance  
2 that 303 D listed as significantly impaired, while  
3 landslides initiated by logging roads and clear cuts  
4 continue to pour into the creeks.

5 Two Mouth Creek is a classic example, with  
6 three major landslides in the past three years. Not a  
7 degradation under the Clean Water Act, more sales are  
8 scheduled in this watershed that is now completely  
9 unraveling from years of abuse.

10 Another example: We offered to work with  
11 the Idaho Department of Land to develop forest restoration  
12 projects that would repair past damage while at the same  
13 time provide logs to mills with revenue to the schools.  
14 Our collaborative overture was excused. Needless to say,  
15 Idaho persists in its lost-in-the-'50s archaic forest  
16 management agenda.

17 Based on past actions here in Idaho,  
18 cooperative conservation appears to be little more than a  
19 ruse to water down existing protective regulations. Is it  
20 realistic to expect public cooperation in conservation  
21 planning when respect for its existing regulations is  
22 lacking or where cynical attempts are made to undermine  
23 laws established to protect public resources?

24 I would ask you, Mr. Kempthorne, are you  
25 willing to go on record to advocate public participation in

1 Idaho's habitat conservation planning, given that federal  
2 taxpayers money of funding that process up to now has been  
3 a secret process behind closed doors?

4 Thank you.

5 MR. CASE: Thank you.

6 No. 40? 41? 42?

7 MR. CRIMMINS: Thank you. My name is Tom  
8 Crimmins. I have not filed a suit against you recently,  
9 but I would -- I do represent a group called Northwest  
10 Access Alliance. I serve on a north Idaho rack [phonetic]  
11 for the BLM, and I'm also the head conservation oversight  
12 for the local water district in north Idaho.

13 First of all, I'd like to thank you for  
14 coming. I'd like to commend the administration for  
15 attempting to provide cooperative conservation,  
16 particularly using a collaborative process. Collaborative  
17 process works. I know it works. I've been involved in it,  
18 and it works. But again -- and you've heard a number of  
19 the commitments that need to be made from both sides.

20 We heard earlier that conservation is  
21 everyone's problem. It's the people's problem. And this  
22 is true. The people are the ones who are going to solve  
23 the problem, but I would urge you as you go through this  
24 process not to fall into the trap of thinking that people  
25 are the problem, because in fact the -- there's a lot of

1 pressure to get people off the public lands, send them  
2 home, you know, do whatever it is you can do, and then let  
3 Mother Nature take its course.

4                   The people need to be involved in the  
5 public lands; they need to be using the public lands and  
6 the public waters. They need to be able to work through  
7 the issues. And I look forward to something like this that  
8 might help us do that. But they need to be able to use  
9 those lands for recreation purposes as well as a number of  
10 other things, whether it be motorized use or nonmotorized  
11 use.

12                   In order to make that happen, the  
13 Endangered Species Act, NEPA, the Clean Water Act, and all  
14 those -- the objectives of those acts are admirable, but at  
15 this point they're being used not necessarily to recover  
16 species. We've heard that over and over. They're being  
17 used to control land and control management. And that's  
18 the primary uses, and that's the thing that's got to be  
19 changed. It is going to make a change in the way that land  
20 is managed, but it's being used just to obstruct projects.

21                   The issue there in Methow Valley with the  
22 fire that's currently going on -- I'm out of Hayden Lake,  
23 Idaho, and we don't have any fires yet, and the only reason  
24 that is because it's not that we're better at managing  
25 our forest, it's that the lightning gods haven't come and

1 visited yet. When they do, we're going to be in exactly  
2 the same situation. So we need to stop the obstructionist  
3 use of these environmental laws.

4                   There is a lot of common ground between the  
  
5 users of public lands, and I would encourage you to work  
6 through, continue through this process, but you need to  
7 recognize that the land must be managed and the issues must  
8 be dealt with. Just walking away and letting nature take  
9 its course is not the way to handle it.

10                   If you're going to do that, and I know  
11 there's a lot of pressure to do that, we certainly don't  
12 need the big staffs in Washington, DC and spread out  
13 throughout county to sit there and watch it. What we need  
14 to do is we need to give the folks the tools to manage the  
15 lands and to make things happen and improve our forests'  
16 health.

17                   Thank you.

18                   MR. CASE: Thank you.

19                   41? 42? 43? -4? -5? -6?

20                   MR. DELGADO: Hello. My name is Tony Delgado,  
21 and I'm a Stevens County commissioner, and I'm going to  
22 talk about the Endangered Species Act. It's the most  
23 powerful law and the worst law ever written in the United  
24 States. When I say worst law, why? Okay. It's used to  
25 abuse economics out there and property -- private property

1 rights.

2                   In the early '70s before the law became --  
3 before it became law, I served on the New Jersey State Fish  
4 and Game Commission. And Congress, before they voted on  
5 the Endangered Species Act, they asked all of the fish and  
6 wildlife commissions throughout the 50 states to put in  
7 their input.

8                   I made different surveys. Living on the  
9 East Coast, and I had relatives down in Florida, I went  
10 down there, and I noted that one of the species they wanted  
11 to put on the endangered species list was the Florida  
12 alligator. So I went down and talked to a lot of the  
13 Indians there in Seminole Country. And they laughed and  
14 they said, "There's no shortage of alligators." They said  
15 "That's a joke." They said, "We have contracts with the  
16 Florida State Fish and Wildlife Commission to trap them  
17 because they get in the farmers' irrigation ponds, in  
18 people's swimming pools and all of that."

19                   So I brought this information back to our  
20 fish and wildlife group and state director and the higher-  
21 ups at the Department and said, "Look, Tony, here's how it  
22 works. You know that the endangered -- the alligator is  
23 not endangered and we know it, but we have to put it on  
24 there so in two or three years we can take it off and it  
25 will show the public that the Endangered Species is

1   working."   Well, that's a hoax.   He said, "Then it will  
2   only cost \$250,000 to take it off.

3                   But anyhow, the incentive -- in order for  
4   the program to work, you have to give an incentive to the  
5   farmer, the ranchers, the loggers out there, when an  
6   endangered species shows up on their property, an incentive  
7   maybe in pay or something like that, whatever would work.  
8   Because right now that's -- what we have now is not  
9   cooperative conservation because the way it's working now,  
10  people said, "Hey, I'll be shut down or whatever, so we're  
11  going to resort to SSS: shoot them, shovel them, and shut  
12  up."   And that's what's happening.

13                  Wolves.   We know it's a matter of time  
14  before wolves are coming here.   We have a few of them in  
15  this state.   I believe, from all the information that I  
16  have, that wolves probably will be coming in from Idaho.  
17  And in order for it to work here, we would like to see the  
18  wolves on the 10J program which, in other words, if they  
19  are going to have problems with the cattle and all of that,  
20  we could take action instead of having an enforcement --  
21  federal officers coming over and taking over.

22                  A little bit on the Ponderay Refuge.  
23  Living on the East Coast most of my life, I used to enjoy  
24  going out to the [inaudible] National Wildlife Refuge.  
25  It's one of the biggest in the country, and it's right

1 along the eastern shore. There's one down in the  
2 Everglades. But the one up here, it kind of fits in a  
3 different category. It's an area -- it's 40,000 acres.  
4 It's an area that we all love to hunt there, snowmobile,  
5 berry picking and stuff like that, and horseback ride, and  
6 it just seems like because the laws of the refuge, we can't  
7 do that, and it's not really conducive to this area up  
8 here.

9                               So with that, I want to thank Secretary  
10 Kempthorne for coming out and bringing the federal  
11 administrators along. So thank you very much.

12                           MR. CASE: Thank you.

13                           MS. LANGFORD: Good afternoon. I'm Carol  
14 Langford, vice chair of the Salish and Kootenai tribes in  
15 Montana, and I just want to thank the secretary for taking  
16 a meeting with me a couple of weeks ago on the National  
17 Bison Range. And I also want to thank Dale Hall and  
18 Michael Bogert and Jim Case also for stepping  
19 up and really making it possible for our people.

20                               This has been something that we have worked  
21 on for 12 years, probably longer, and it's finally coming  
22 to fruition. We're seeing the light at the end of the  
23 tunnel. And that means a lot to our people, so I think --  
24 it meant enough for our tribal council to send me this far  
25 to say thank you, and so I appreciate it.



1 MR. CASE: Thank you.

2 47? 48? 49? 50?

3 MR. WEGNER: Gary Wegner. The last name is  
4 spelled W-E-G-N-E-R.

5 I'm not here to complain or harass. I'll  
6 say that right off. I am here to make a simple statement,  
7 and that is: It's hard to find a solution when you don't  
8 really understand the problem in the first place. And what  
9 I want to address is how we deal with nutrients, manure,  
10 sewage.

11 Earlier today it was mentioned that we have  
12 too much phosphorus in the river. Phosphorus is not a  
13 poison. Phosphorus is an essential nutrient, but it  
14 shouldn't be in the rivers because it enhances algae growth  
15 and so on. It's a problem.

16 I talked to Todd Mielke after his  
17 presentation this morning, and one of the biggest  
18 challenges that he has is dealing with EPA regulations that  
19 will not allow them to go to land application of the  
20 nutrients and take those nutrients out of the river. This  
21 is a major challenge for this nation.

22 Allow the nutrients to go back where they  
23 came from. Food is the origination of the nutrients. It  
24 goes to our cities and so on and back. I speak as a user  
25 of biosolids. I've used biosolids on my wheat farm for 18

1 years, et cetera, et cetera. I also work with dairy farms  
2 nationwide. Former Governor Kempthorne and I talked about  
3 this one day in Boise.

4                   We need to look at these manure nutrients  
5 as a valuable resource. On the EPA website, the word  
6 "waste" is used one and a half million times. On -- and  
7 yet the resource and research -- resource of nutrients is  
8 not addressed very well. Likewise with the USDA, the word  
9 "waste" is used over 150,000 times on their website, and  
10 yet even our soil conservation service treats the nutrients  
11 from our animals as a waste as opposed to realizing that it  
12 is a valuable nutrient.

13                   The key thing here, and I pose that it's  
14 not only in dealing with nutrient issues but energy issues,  
15 and because the tremendous loss of nitrogen and sulfur from  
16 our livestock operation is not only causing pollution and  
17 global warming implications and such, but it's throwing  
18 away literally billions of dollars of valuable nitrogen and  
19 sulfur. But then we use energy, in the case of nitrogen,  
20 natural gas to make ammonia-based fertilizers to replace  
21 what we've lost.

22                   We need to manage what we have and take  
23 care of those challenges, but we also don't need to have  
24 the bureaucracy in the way of progress. But doing it right  
25 will take better care of our ecology. Thank you.

1           MR. CASE: Thank you.

2                   51? 52? Anybody in the 50s? Go ahead.

3           MR. SULLIVAN: Good afternoon, Mr. Secretary and  
4 panelists. I got bumped up to 54 from my earlier position.  
5 I'm Terry Sullivan, a Spokane Realtor and president of the  
6 Washington Realtors Association, 25,000 lenders strong in  
7 the state.

8                   I'm pleased to be a part of the forum and  
9 to have an opportunity to present the Realtors' perspective  
10 on cooperative conservation. I have -- our association  
11 wants to work with the Department of the Interior to  
12 develop pragmatic market-based solutions that protect and  
13 conserve our natural resources while including  
14 opportunities for economic growth. I have several comments  
15 to make on ESA.

16                   Implementation of the environmental or the  
17 Endangered Species Act has wide-range impacts on property  
18 owners throughout this land. The starting point for real  
19 dialogue, and I think you heard this earlier, in the matter  
20 of cooperative conservation is a substantive reform of ESA.

21                   I encourage the Interior Department to make  
22 administrative changes to the ESA in 2006 so that  
23 landowners can reap the benefits of these changes sooner.  
24 The ESA could increase opportunities by voluntary --  
25 opportunities for voluntary conservation by better

1 coordination of existing conservation grant programs,  
2 removing bureaucratic barriers to voluntary participation  
3 in conservation programs, providing technical assistance to  
4 support voluntary conservation, streamlining agency review  
5 of these programs, ensuring the application of incidental  
6 take authority, to voluntary conservation efforts, and  
7 ensuring that no-surprises guarantees will apply to  
8 voluntary conservation agreements.

9                   Another aspect of the ESA that concerns  
10 Realtors involves the ESA decision-making process and the  
11 extent to which regulatory decisions are based on best  
12 available science.

13                   Ways to ensure these activities are  
14 incorporated into the ESA should, No. 1, ensure compliance  
15 with the data quality act in all ESA decisions; 2, improve  
16 the data requirements for listing petitions and critical  
17 habitat designations; 3, ensure that all data is available  
18 for review by the public, and review and refine procedures,  
19 information, requirements and criteria for listening to  
20 distinct population segments, as well as classification of  
21 species.

22                   The final aspect of cooperative  
23 conservation and the ESA involves reform of critical  
24 habitat designations. Consistent rules, policies and  
25 procedures for designating critical habitat should be

1 established. This will ensure that land and water already  
2 protected through our conservation activities are not  
3 burdened by additional layers of bureaucracy.

4                   In addition, proposed critical habitat  
5 designations should undergo a rigorous and comprehensive  
6 cost benefit and economic impact analysis to determine how  
7 the true costs of the designation and how the designation  
8 will impact the local economy.

9                   And finally, these designations must  
10 undergo periodic evaluations to assess the value of  
11 designations on helping to recover species.

12                   To conclude, the real estate community  
13 needs timely action by the administration in 2006 in  
14 bringing updates and improvements to the ESA that, one,  
15 make it easier for landowners, businesses and other  
16 organizations to protect species; 2, respect the needs of  
17 private property owners and; 3, encourage collaborative  
18 conservation that ultimately and equally benefit  
19 communities, citizens, and species.

20                   I'm heartened by the aspects of cooperative  
21 conservation, and its emphasis on voluntary, incentive-  
22 based collaboration at the local level will create the  
23 kinds of innovative practical policy solutions that will  
24 protect and preserve our national -- our country's national  
25 heritage.

1                   The real estate industry stands ready to  
2     help you in any way possible to achieve our vision of  
3     cooperative conservation.

4                   Thank you for the opportunity to speak.

5                   MR. CASE: Thank you.

6                   MR. BEACH: Good afternoon. My name is Rocky  
7     Beach. That's "Rocky" as in the movie and "Beach" as in  
8     the ocean.

9                   I am representing the Department of Fish  
10    and Wildlife today. I'm the quality diversity division  
11    manager. Dr. Jeff King [phonetic], my director, sends his  
12    regard to you all and apologizes for not being here today.  
13    He had a long-time speaking engagement with the governor,  
14    actually.

15                  I will be uncharacteristically brief today.  
16    Quite frankly, my primary reason for attending was to  
17    eavesdrop on your listening post. And I feel that most of  
18    the time should be given, as it has, to our public;  
19    however, I would be remiss in not providing some feedback  
20    on some key points.

21                  First of all, our thanks and compliments  
22    for holding this listening post and choosing Washington,  
23    particularly the sunny side of Washington, to come here.  
24    It demonstrates a path of natural resource management that  
25    favors collaboration and consensus over that of conflict.

1 This is very much in line with our policy in Washington.  
2 And as you've heard earlier from our governor's office, she  
3 fondly refers to it as "the Washington way."

4 That was not done without -- this policy  
5 was not done and did not come easy and was forged in the  
6 fires and lessons learned in major national environmental  
7 issues such as the spotted owl. We're in the midst of  
8 salmon recovery, and of course the perpetual issues  
9 regarding water quality, quantity, and access.

10 Sometime ago I was somewhat distressed and  
11 admittedly intrigued in articles that had been carried in  
12 national news and publications over the past couple of  
13 years that indicated that environmentalism in America is  
14 dead. I would submit that it's not dead. We still have  
15 the North American Wildlife model; we still have the  
16 national park systems; we still have our national forests,  
17 which are the envy of the world.

18 What has happened, though, is that it has  
19 changed. As is happening with so many issues in our  
20 culture, while we've ironically become more globalized,  
21 more actions are taken at the local level, and so it is  
22 with environmentalism and for those of us that are  
23 concerned about conservation.

24 And it's been my observation, or that of my  
25 agency's, that the federal agencies that have developed

1 collaborative programs that are more localized are better  
2 received and the programs are more successfully  
3 implemented.

4                   Now, I have to be careful here because  
5 similar to being at an Oscar presentation where you forget  
6 to thank all -- your mother or somebody like that, because  
7 we do work with so many of the federal agencies and have  
8 generally a good rapport with all of them. However, today  
9 I will not be talking about salmon. It would take me half  
10 an hour just to describe the players, let alone the  
11 process.

12                   I was very thankful that the governor's  
13 office handled the Columbia River water issues, but I would  
14 like to take an opportunity to use two good examples of  
15 collaborative management that are happening out here on the  
16 grounds in Washington.

17                   The first would be implementation of the  
18 Farm Bill and the -- our ability as a Fish and Wildlife  
19 agency to coordinate very closely with the NRCS in the  
20 implementation of the Farm Bill by providing technical  
21 support that would benefit Fish and Wildlife through the  
22 many and various alphabet programs which occur in the Farm  
23 Bill.

24                   It is not the sole reason, but it's one of  
25 the major reasons probably that we still have the Asian



1   sharptail grouse here in the state. And when I talk to my  
2   colleagues in and across the country, the Farm Bill is a  
3   very integral part to maintaining fish and wildlife in this  
4   country.

5                   The second example I would like to give you  
6   is, well, the Fish and Wildlife Service in general as we've  
7   heard some critique of the service here today, but I'd like  
8   to applaud them for some programs that are very much  
9   working. Programs such as the State Wildlife Action Plans  
10   and the State Wildlife Grants Program. I was delighted to  
11   hear Secretary Kempthorne refer to a web. It is working in  
12   this state. It is very, very well received. It gives us  
13   the ability to work with landowners.

14                  I'd also like to compliment Director Hall  
15   and the Service for the leadership you've shown in the  
16   collaborative management arena in the past years,  
17   particularly in state wildlife grants and development of  
18   the conservation strategies for 56 states and territories  
19   across the state, whose sole purpose is to protect those  
20   species -- or to keep common species common and to protect  
21   them from becoming endangered. This is quite an  
22   accomplishment, and it's very much appreciated. I wanted  
23   to take the opportunity to thank you publicly.

24                  Lastly, and you've heard it here, I've  
25   talked about localization. I think that we all, in the

1 resource arena - state, local, and federal - do need to  
2 explore incentives, and that may not necessarily mean  
3 money, although that helps an awful lot; but recognition,  
4 regulatory certainty, certifications. I think we can be  
5 more innovative in being able to work with our landowners  
6 and with our natural resource-based industries out there.

7 It may be the regulations against folks at  
8 the table. It's the incentives that keep them there. I  
9 appreciate the time, and thank you for coming.

10 MR. CASE: Thank you.

11 MR. PINEO: Good afternoon and thanks for the  
12 opportunity that you're presenting nationwide to explore  
13 cooperative conservation.

14 I know that there's a huge amount of  
15 skepticism about the concept and wildlife management,  
16 resource management, environmental management, are  
17 extremely politicized in the current era, which is a real  
18 shame. We've heard all sides of that at today's comments  
19 and testimony.

20 My name is Doug Pineo, P-I-N-E-O. I  
21 represent the state of Washington on the Eastern Washington  
22 Resource Advisory Council. I'm also a founding board  
23 member of the North American Grouse Partnership, which is  
24 an organization formed to promote the grassland and shrub  
25 steppe habitats and the wildlife habitat that live there,

1 particularly our prairie grouse. These are our most  
2 important landscapes.

3                   And for 30 years, I've played a small role  
4 in recovery of peregrine falcons, which will probably be  
5 the most -- the biggest impact on forming my views on the  
6 Endangered Species Act. I don't think it's a broken act or  
7 a useless act. I think it works.

8                   I would hate to try to establish and  
9 implement the private sector efforts on behalf of the  
10 Peregrine recovery today, however, so the act definitely  
11 needs reform. But that reform shouldn't be a code for  
12 finding dignified ways to usher species into extinction.  
13 It's got to be innovative efforts that some of the folks  
14 here, some in the private sector, some of my colleagues in  
15 the Department of Fish and Wildlife, to promote a landscape  
16 level approach to ecosystem enhancement and conservation.

17                   More specifically, the Interior has got to  
18 place an increased emphasis on completing resource  
19 management plans. I know that you're conducting this  
20 work -- I know at the state level when budgets get cut, you  
21 know, agencies end up competing. And it's sad to say, you  
22 know, some agencies are cabinet agencies and some are  
23 orphaned. They work for independent commissions and they  
24 may not have the same ear. And I know that can sometimes  
25 occur at the federal level as well.

1                   But within your one and a half percent of  
2     the total federal budget, you have a lot of different  
3     agencies and cultures, and bringing those folks together to  
4     cooperate is a real challenge.

5                   Here in Washington, we initiate a program  
6     called Aquatic Habitat Guidelines, and it's aimed to  
7     address not only recovering salmonoids but also riparian  
8     and flood plain ecosystems and marine ecosystems. We have  
9     a lot of challenges in the Puget Sound and the coast as  
10    well as our fresh water environments where our inhabitant  
11    fish and many other wildlife species have critical  
12    habitats.

13                  And what makes AHD unique, I think, is that  
14    it is specifically designed as a cooperative and  
15    collaborative approach to developing the technical tools to  
16    do restoration efforts and to allow development like docks  
17    and shoreline protection. The key features are involving  
18    all the stakeholders in development of the tools.

19                  An earlier speaker spoke about junk  
20    science. Well, this is about reaching a technical and  
21    policy consensus on what constitutes good science that's  
22    not just code for doing what's convenient. And so we have  
23    conservation districts and private consultants and property  
24    owners and port districts and Department of Fish and  
25    Wildlife, Department of Ecology, Department of Natural

1 Resources, and the Washington State Department of  
2 Transportation. Primary state partners. We've also had  
3 great partnership from the Department of Fish and Wildlife,  
4 but of course they're very limited by budget as to how many  
5 staff they can assign either from the ecosystem services  
6 offices here in Spokane or from their offices in Portland.

7 We've had a lot of cheerleading support  
8 from NOAA fisheries. They like to wave around the tools  
9 that we developed, but we haven't had the staff commitment.

10 We realize that it's tough. You're working  
11 in a declining -- not a zero sum game but declining  
12 financial constraints, and we appreciate the challenge  
13 there. But we would like to promote similar approaches at  
14 the federal level.

15 And finally, I just want to conclude, on  
16 your way out of town you may drive up Interstate 90 and you  
17 might go by the Burlington Northern Santa Fe Railroad  
18 viaduct, and you could look up on the concrete piers there,  
19 you might see a Peregrine falcon. She might be off  
20 hunting, but you might see her there. And I can tell you  
21 that her mother was born in Boise in a fancy pole barn up  
22 on the plains. And my wife and I helped, back in 1984, to  
23 build those facilities, hoping that we could see a time  
24 when Peregrine falcons would be delisted under the  
25 Endangered Species Act. And it's not a sham. It does take

1 hard work and it does take the private sector. Federal  
2 government and the state never bred a single coturnix quail  
3 and the peregrines never bread a single peregrine. But  
4 they supported the effort. And whether it was with the  
5 Department of Fish and Wildlife or -- excuse me, the Fish  
6 and Wildlife Service or the National Park Service or the  
7 Forest Service, the agencies provided support.

8 More importantly, the effort would not have  
9 succeeded had the conference not eliminated the use of  
10 organic chlorine pesticides. And that was a titanic fight  
11 that's older than -- most of us have forgotten it. It was  
12 over 30 years ago. But that was an effort that could not  
13 have happened without both the government and the private  
14 sector, and I think it serves as a good model today, and it  
15 stands a lot of scrutiny.

16 Thank you very much.

17 MR. CASE: Thank you.

18 Mr. Secretary, I believe you have a flight  
19 to catch or --

20 MR. KEMPTHORNE: I wanted to hear Sam. May I  
21 just ask how many more are going to -- how many more would  
22 like to comment?

23 [Audience complies.]

24 MR. KEMPTHORNE: Okay. About 15 or so?

25 MR. CASE: We could do one of two things. I can

1 just ask you to come up and take one minute. I know that  
2 you have longer for that. I can then just cut you off or  
3 we can just take a couple more. I prefer to just ask  
4 everybody to take one minute or one half minute so the  
5 Secretary can hear in person, okay? So I'm just going to  
6 give you a little signal when you're about a minute and a  
7 half and ask you if you could close it up pretty quickly  
8 after I give the signal.

9 MR. KEMPTHORNE: Can I just acknowledge, too,  
10 that Sam was supposed to have been in that first group, so  
11 -- and I don't know what happened.

12 MR. CASE: Go ahead, Sam.

13 MR. PENNEY: My name is Sam Penney. I'm the  
14 vice chair of the Nez Perce Tribal Executive Committee.  
15 We're headquartered in Lapwai, Idaho. I've been on our  
16 council for about 18 years. I've served as chairperson of  
17 our tribe for over ten years. And, you know, listening to  
18 discussions today, I would encourage the administration,  
19 Secretary Kempthorne and the others, to also take these  
20 listening sessions out to Indian Country, such as the  
21 National Congress of American Indians. I think that would  
22 be a good forum to hear some more tribal input regarding  
23 this.

24 The reason I say that, you know, I've  
25 spoken all over this country on behalf of our tribe, and a

1 lot of times we talked about the reserved rights of tribes,  
2 and many times I get the impression from people that, you  
3 know, they don't take our treaty rights seriously. But  
4 when you look at the US constitution, you know, the  
5 President has the ability to enter into treaties with the  
6 advice and consent of the senate. There's a commerce  
7 clause which talks about regulating commerce for foreign  
8 nations among the states and among the Indian tribes.  
9 There's Article 6 of US Constitution Supremacy Clause that  
10 says the treaties are the supreme law of the land.

11 So we're talking about a lot of different  
12 lands, but speaking on behalf of the Nez Perce tribe, I  
13 will say that our treaty, which was entered into by the Nez  
14 Perce tribe, the federal government, that is ultimately --  
15 I believe for our tribe, that is the highest level of law  
16 that needs to be applied in many instances.

17 And we hear a lot of comments about fish  
18 recovery. If you come up to our area, we would say fish  
19 recovery is not completed. You've got spring, summer, and  
20 fall Chinook that are listed. You've got coho salmon.  
21 You've got a number of listings in upper tributaries that  
22 are not on the main Columbia that need to be addressed as  
23 well.

24 But to get to the point of this meeting, I  
25 think Mr. Secretary and the other folks that are here today



1 on the panel, I think the Secretary understands that, you  
2 know, we went through a very normal process of [inaudible]  
3 adjudication, and it took years to get to that point and to  
4 get all sides to build some type of relationship and trust  
5 so we could come to an agreement. Everyone didn't get what  
6 they wanted, but we settled for what we thought was in the  
7 best interest of our various nations. So I think that was  
8 one good example.

9 Another example would be with the US Fish  
10 and Wildlife Service. Many people say it's controversial.  
11 The Nez Perce Tribe led wolf recovery in the state of Idaho  
12 for a number of years through a cooperative agreement with  
13 US Fish and Wildlife Service. We also have an  
14 agreement that -- a cooperative agreement with EPA for  
15 federal air regulations on reservations, underground  
16 storage tanks. There are just a number of avenues that  
17 tribes have been working with various entities to address  
18 some of the issues that we're talking about today.

19 And I've also expressed to Secretary  
20 Kempthorne when he was governor that even though in many  
21 instances tribes are taking the lead on a lot of these  
22 initiatives, we believe it benefits many of the areas. We  
23 also have done cooperative agreements with the US Forest  
24 Service.

25 And probably the example I'd like to use,

1 and many people have spoken about it earlier, that you  
2 know, trying to combine financial resources, we've done  
3 culvert replacements, we've done road obliterations, a  
4 number of those types activities, but we could not have  
5 done that alone as a Nez Perce tribe. It took the tribe,  
6 the U.S. Forest Service and other entities to combine our  
  
7 funds so we could complete the project, and I think that's  
8 what some of the speakers were alluding to that.

9                   You know, I always tell our council members  
10 that Congress or even our own tribe can authorize anything,  
11 but unless you provide the necessary financial resources to  
12 carry it out, it's probably not going to happen.

13                   So I just encourage Mr. Secretary to relate  
14 to the administration that I appreciate this opportunity  
15 today. I appreciate our longstanding relationship. I wish  
16 you the best on your new job, as well as the other people  
17 on the panel, but I just hope that we can work together to  
18 address these issues. We've heard, you know, viewpoints  
19 from various spectrums of the issue and the whole ideas of  
20 how do with get to some point that we can do what is best  
21 for the resources. Thank you.

22                   MR. CASE: Thank you.

23                   What I'm going to ask -- I think the  
24 Secretary has 11 more minutes. If you'd like to speak, I'd  
25 like you to come up to the microphones on both sides. I'm

1 going to just do one minute. I would rather he hear you in  
2 person and he can write down the comment than go longer. I  
3 apologize for doing that, but I think it's important. So  
4 I'm just going to go from one side to the other. They have  
5 one minute. Most people have been taking about three  
6 minutes, but go ahead.

7 THE PUBLIC: I will make this very brief.

8 I just want to welcome Secretary Kempthorne  
9 on behalf of the National Park Service at Lake Roosevelt  
10 back to this great area. And actually, this morning has  
11 been very informative for me as the local representative of  
12 a federal land management agency to hear firsthand the  
13 different viewpoints and opinions of my neighbors  
14 basically.

15 I know that you are very familiar with Lake  
16 Coeur d' Alene. Lake Roosevelt, one of the things that  
17 makes it so special is the 500-plus miles of shoreline that  
18 is completely publicly owned.

19 And I also want to point out that Lake  
20 Roosevelt as a unit of the National Park Service is  
21 probably a poster child, if you will, for cooperative  
22 conservation. We do not have authorizing legislation, and  
23 we operate under a five-party agreement which includes not  
24 only the National Parks --

25 MR. CASE: Thank you.

1 THE PUBLIC: Thanks.

2 MR. CASE: Please state your name.

3 THE PUBLIC: Thanks for coming.

4 I was at the Endangered Species Act when it  
5 was passed in Washington, DC in 1973, and I was on the  
6 first national committee to implement the act. And the act  
7 has worked marvelously. We should delist the bald eagle  
8 because there's 700-plus pair in this statistic alone.

9 I've had the experience of managing two  
10 bald eagles in Newman Lake, just about 20 miles east of  
11 here, and they are the most productive bald eagles in the  
12 state of Washington, producing 1.9 birds a year even though  
13 they had one year that was a total failure, and yet they  
14 still have the bird listed, which doesn't set a good  
15 example.

16 The act itself, if you read the testimony,  
17 the biggest single issue was scrimshaw, the use of ivory  
18 for tusks. Enough said.

19 The climate change this gentleman that has  
20 grandchildren, I'm about to become a great grandfather, as  
21 a matter of fact --

22 MR. CASE: Thank you.

23 THE PUBLIC: The climate change is very  
24 important. And of course evolution, which they're not  
25 going to teach at some schools now, is a key to survival

1 for one of these species.

2                   The polar bear breeding with the grizzly,  
3 the black and the -- a man from Idaho just shot a cross  
4 between a polar bear and a grizzly, and they think the  
5 polar bear is suffering from global warming. The spotted  
6 owl breeds with the barn owl and the Department of Fish and  
7 Wildlife -- I'm sorry about this, David, but if somebody  
8 wants to shoot barn owls, which is totally unscientific,  
9 but trust the science.

10               MR. CASE: State your name, please, and then one  
11 minute.

12               MR. BROWN: Harvey Brown. Let's see how I can  
13 condense this. I'm speaking because I'm seeing an  
14 unbalance in what is presented here, and I don't see the  
15 national issues represented.

16                   My best example is the Arctic National  
17 Wildlife Refuge. My wife and I have been up there three  
18 times; spent more time than most wildlife service people  
19 have up there. This is a national issue because the people  
20 of the country really believe that this area is too good to  
21 mess up and it won't solve the problem.

22                   The [inaudible] people have done a petition  
23 on the Kaktovik where they are -- the majority is opposed  
24 to drilling in the refuge. So, you know, national wildlife  
25 refuge, the first word is "national." The second word is

1 "wildlife." And I think those are the [speaking  
2 simultaneously] --

3 MR. CASE: Thank you.

4 MR. BROWN: Could I take another issue?

5 MR. CASE: No. Please do it in writing. In  
6 fairness, I'm going to go ahead and move on to the next  
7 person. Thank you.

8 Go ahead.

9 THE PUBLIC: [Inaudible] Director of Spokane  
10 Association of Realtors and the Spokane Home Builders  
11 Association.

12 I'd like to welcome Secretary Kempthorne  
13 and guests. I had to kind of chop this up, so basically, a  
14 long story short, is environmental acts such as the ESA  
15 need to be utilized as a precision tool, not a club. Often  
16 housing implemented at this point is a cookie-cutter  
17 approach. A situation such as defining critical habitat  
18 rather than utilizing a specific site-specific critical  
19 habitat that is essential to the situation, large broad  
20 areas become designated as critical habitat. This makes it  
21 so that the landowners cannot use their land as they  
22 originally envisioned. You know, as the saying goes, you  
23 catch more flies with honey than you do with vinegar.  
24 Utilize those incentives.

25 MR. CASE: Thank you.

1 Yes.

2 MR. MULLEN: Mr. Secretary, gentlemen, my name  
3 is Robert Mullen, M-U-L-L-E-N. I'm a cynical advocate for  
4 the rights of the individual landowners.

5 If the landowners who enter into these  
6 cooperative conservation agreements are to trust the  
7 federal government or the state government, these  
8 government -- these representatives who are speaking and  
9 negotiating with these landowners must be given power by  
10 the government. Presently they do not have this power.

11 Thank you.

12 MR. CASE: Thank you.

13 MR. CONNELLY: Thank you, Mr. Secretary, for  
14 coming, and Mr. Hall and Mr. Kreizenbeck.

15 MR. CASE: Your name, please.

16 MR. CONNELLY: My name is Bill Connelly. I'm  
17 Issaquah City Council over in Issaquah, just east of  
18 Seattle. I grew up in Spokane. I ended up buying a  
19 fishing tackle at The White Elephant a long time ago, if  
20 you remember that.

21 The issue I'm talking about is a success  
22 story within this salmon issue, and that is the Issaquah  
23 area. I spent 20 years there. In 1992, Lake Washington  
24 had Hershel on the national news. One weekend ago,  
25 national news was the sockeye fishery coming back to Lake

1 Washington, which was supposed to be dead.

2 I worked on the Issaquah area of the  
3 Friends of the Issaquah Salmon Hatchery, and now the  
4 hatchery there is called a model facility. It's no longer  
5 just a hatchery; it's a habitat enhancement facility. The  
6 successes there, I'm asking you to go take a look at them.  
7 The governor is very aware of it, and please take a look.  
8 Issaquah, I-S-S-A-Q-U-A-H.

9 MR. SMITH: My name is Sean Smith. That's  
10 S-E-A-N Smith. I'm the northwest regional director for the  
11 National Parks Conservation Association.

12 As someone who grew up in Spokane and  
13 worked both the National Park Service and the Forest  
14 Service here in Washington State, I really do appreciate  
15 this opportunity to provide input. Specifically, NPCA, and  
16 there's more than 300,000 members, provides thoughts on the  
17 following.

18 First we'd like to thank the secretary for  
19 his work on the National Park Service management policies,  
20 and we look forward to seeing the final version on that.

21 Next, with regard to cooperative  
22 conservation, we are encouraged by the federal government's  
23 continued commitment to working with a broad array of  
24 stakeholders. In that light, we would ask the secretary to  
25 speak with the National Park Service about reconsidering



1 its opposition to the Ice Age Floods National Geologic  
2 Trail. The Ice Age Floods Trail would stretch from  
3 Missoula, Montana to the mouth of the Columbia River and  
4 would serve as an economic boon to several western  
5 communities as well as protect the flood resources.

6 We also ask the secretary to continue to  
7 utilize strong support for the Elwa restoration on Olympic  
8 National Park as well as [speaking simultaneously] --

9 MR. CASE: Thank you.

10 MR. SMITH: -- the Carbon River expansion. All  
11 three of these are strong cooperative conservation  
12 programs.

13 MR. CASE: Thank you.

14 MR. SPEARS: Gram Spears, custom home builder,  
15 Colbert, Washington.

16 Five quick points I'd like to offer. When  
17 you go back and develop these regulations, I'd ask five  
18 things for you to do to represent our industry, the first  
19 being issue common sense regulations that are easy to  
20 follow. Develop consistent state and federal enforcement  
21 policies rather than creating more paperwork. Remove all  
22 duplicative federal policies that can be enacted on a local  
23 level. Also, reterm those programs that are not providing  
24 successful results currently.

25 Lastly, I'd like to ask you to close the

1   loopholes that special interest groups use to curve growth  
2   in our industry so that we can continue to provide  
3   affordable housing for all of those beautiful children that  
4   were here this morning.

5                   Thank you.

6           MR. CASE:   Thank you.

7           MS. MACE:   Hi.   I thank you.   I'm here today --  
8   my name is Sam Mace, M-A-C-E, and I'm here representing the  
9   Save the Wild Salmon Coalition and also the Conservation  
10  Committee of the Washington Council of Tribes Limited,  
11  which I volunteer on.

12                   And in my role as Save the Wild Salmon  
13  Coalition today, I would like to speak for not just the  
14  conservation groups but all of the business owners and  
15  salmon fishermen who depend on helping salmon and steelhead  
  
16  runs for their livelihoods and the health of their  
17  communities.

18                   Right now the Endangered Species Act is one  
19  of the few safety nets that they have to ensure that  
20  they're going to have jobs in the future and their children  
21  are going to have jobs.   And what we need is not a weaker  
22  act but implementing the strong act that we have right now,  
23  because if we didn't have that act and if we don't have a  
24  strong act in the future, we're not going to have those  
25  jobs in the future.

1                   Businesses from [inaudible] Idaho to  
2 Astoria, Oregon clear up to Alaska depend on salmon and  
3 steelhead. Our runs are not doing well right now. Only 15  
4 sockeye have made it past lower [speaking  
5 simultaneously] --

6                   MR. CASE: Thank you.

7                   MS. MACE: -- and our other run is not doing  
8 well either.

9                   Thank you.

10                  MR. REED: Richard Reed, R-E-E-D. I'm a  
11 volunteer with the Sierra Club. I'd like to mention that  
12 we had a couple of staff members here earlier who would  
13 have liked to have testified. I presume they'll give  
14 written testimony.

15                  I wanted to say thank you for coming, but  
16 you're working under a handicap when your chief spokesman,  
17 our President, constantly denigrates science and you come  
18 and tell us you've got something better than science,  
19 you've got some collaborative process.

20                  Cooperative conservation sounds great, but  
21 it hasn't worked that well in the past, and one example  
22 might be the process we went through to try to clean up the  
23 Spokane River, the TMDL collaborative study that Todd  
24 Mielke talked about. The end result so far has just been  
25 many delays. The earlier result might have been, if we'd

1 just listened to science, was that the EPA set the water  
2 standards. Our state department of ecology said we must do  
3 this and this and this to meet them. But instead, we have  
4 all of the cities and industries that wanted to add more  
5 pollution to the river to make it a collaborative process.

6 In fact, the Use and Tangibility Study  
7 first which they tried to deny the tangibility of that  
8 process, so this is highly questionable. I hope we will be  
9 careful.

10 MR. CASE: Thank you. Thank you.

11 I'd like to apologize for having to rush  
12 the folks through at the end. I mean, we wanted to try to  
13 make sure that we let people take the time that they had.  
14 On behalf of the Secretary, thank you for your  
15 participation.

16 Mr. Secretary, I know you are ready to run,  
17 literally run out the door, but if you'd like to make any  
18 closing comments, I'll turn it over to you.

19 MR. KEMPTHORNE: I would like to thank all of  
20 you.

21 Dave, thank you for moderating, and to all  
22 of you who have been here today. Many of you traveled  
23 great distances. This is the first of 24. We may make  
24 some modification to the format, but the manner by which  
25 you all articulated your thoughts, as I go over the notes,

1   yes, it's varied as far as your perspective, and you can  
2   see we're not all on the same page on certain issues, but  
3   you all articulated. You did it in a very professional --  
4   a manner that was professional, and so I appreciate that.

5                   Can you imagine now if we can continue this  
6   across 23 more communities, including Alaska and Hawaii,  
7   and then bring us together? It's an undertaking well worth  
8   the effort. And I leave today, inspired by you, that it  
9   apparently is a good effort or you wouldn't have been here,  
10   so I thank you for that and making us feel welcome.

11                  MR. CASE: Thank you.

12                  [Audience applause.]

13                  [Whereupon, the listening session was concluded  
14   at 2:02 p.m.]

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1 CERTIFICATE

2 .

3 I, Tia B. Reidt, do hereby certify  
 4 that pursuant to the Rules of Civil Procedure, the  
 5 witness named herein appeared before me at the time  
 6 and place set forth in the caption herein; that at  
 7 the said time and place, I reported in stenotype all  
 8 testimony adduced and other oral proceedings had in  
 9 the foregoing matter; and that the foregoing transcript  
 10 pages constitute a full, true and correct record of such  
 11 testimony adduced and oral proceeding had and of the  
 12 whole thereof.

13 .

14 IN WITNESS HEREOF, I have hereunto set my  
 15 hand this 24st day of August, 2006.

16 .

17 .

18 \_\_\_\_\_

19 Signature                      Expiration Date

20 .

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